

**STATE ENVIRONMENTAL
POLICY ACT**

Chapter 17.110

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Article I. Title

17.110.010 Title.

This chapter shall be cited as the Lewis
County environmental policy chapter. [Ord.
1170B, 2000; Ord. 1157, 1998; Ord. 1080 §
1, 1984]

Article II. Authority

17.110.020 Authority.

The county of Lewis adopts this chapter
under the State Environmental Policy Act
(SEPA), RCW 43.21C.120, and the SEPA
rules, WAC 197-11-904. This chapter
contains this county's SEPA procedures and
policies. The SEPA rules, Chapter 197-11

WAC, must be used in conjunction with this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 2, 1984]

Article III. General Requirements

17.110.030 Basic requirements.

This section contains the basic requirements that apply to the SEPA process. The county adopts the following sections as now or hereafter amended of Chapter 197-11 WAC by reference, as supplemented or modified in this section:

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-158 GMA project review-reliance on existing plans and regulations.
- 197-11-210 SEPA/GMA integration.
- 197-11-220 SEPA/GMA definitions.
- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of an integrated GMA/SEPA process.
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-238 Monitoring.
- 197-11-250 SEPA/Model Toxics Control Act (MTCA) integration.

197-11-253 SEPA lead agency for MTCA actions.

197-11-256 Preliminary evaluation.

197-11-259 Determination on nonsignificance for MTCA remedial actions.

197-11-262 Determination of significance and EIS for MTCA remedial actions.

197-11-265 Early scoping for MTCA remedial actions.

197-11-268 MTCA interim actions.

[Ord. 1170C §1, 2001; Ord 1170B, 2000; Ord. 1157, 1998; Ord. 1080 §3 Preamble, 1984]

17.110.040 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision, or organizational unit of the county established by ordinance, rule, or order.

(2) "Early notice" means the county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

(3) "Environmental review officer" means the planning manager of the Lewis County department of community development; except, for those proposals which are subject to a permit program which is administered by the planning manager. In that event, the environmental review officer shall be the building official of the Lewis County department of community development.*

(4) "Ordinance" means the ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.

(5) "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080-A § 1, 1992; Ord. 1080 § 3(A), 1984]

17.110.050 Designation of responsible official.

(1) For those proposals for which the county is the lead agency, the responsible official shall be the environmental review officer.

(2) For all proposals for which the county is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

(3) The county shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080-A § 2, 1992; Ord. 1080 § 3(B), 1984]

17.110.060 Lead agency determination and responsibilities.

(1) The department within the county receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for the proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

(2) When the county is the lead agency for the proposal, the department receiving the application shall forward the application package and environmental checklist for the proposal to the environmental review officer who shall supervise compliance with

threshold determination requirements and, if an EIS is necessary, shall supervise the preparation of the EIS.

(3) When the county is not the lead agency for a proposal, all departments of the county shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the county may conduct supplemental environmental review under WAC 197-11-600.

(4) If the county or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the county must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the county may be initiated by any county department.

(5) Departments of the county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080-A § 3, 1992; Ord. 1080 § 3(C), 1984]

17.110.070 Additional timing considerations.

The following time limits (expressed in calendar days) shall apply when the county processes licenses for all private projects and those governmental proposals submitted to the county by other agencies:

(1) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the county's staff recommendation to any appropriate advisory body such as the planning commission or Hearing Examiner.

(2) If the county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the county conduct environmental review prior to submission of the detailed plans and specifications. [Ord. 1170C §2, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080-A §§ 4, 5, 1992; Ord. 1080 § 3(D), 1984]

Article IV. Categorical Exemptions and Threshold Determinations

17.110.080 Determinations.

This section contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified in this section:

WAC	
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.

197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

[Ord. 1170C §3, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 4 Preamble, 1984]

17.110.090 Flexible thresholds for categorical exemptions.

(1) Lewis County establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to five dwelling units;

(b) For agricultural structures in WAC 197-11-800(1)(b)(ii): Up to 30,000 square feet;

(c) For office, school, commercial, recreational, service, or storage buildings in WAC 197-11-800(1)(b)(iii): Up to 4,000 square feet and up to 20 parking spaces;

(d) For parking lots in WAC 197-11-800(1)(b)(iv): Up to 500 cubic yards.

(2) Whenever the county establishes new exempt levels under this section, it shall send them to the:

Department of Ecology
Headquarters Office
Olympia, Washington 98504
under WAC 197-11-800(1)(c). [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 4(A), 1984]

17.110.100 Use of exemptions.

(1) Each department within the county that receives an application for a license or,

in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The county shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the county may authorize exempt actions prior to compliance with the procedural requirements of this chapter except that:

(a) The county shall not give authorization for:

- (i) Any nonexempt action,
- (ii) Any action that would have an adverse environmental impact, or
- (iii) Any action that would limit the choice of alternatives;

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt actions(s) were not approved; and

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 4(B), 1984]

17.110.110 Environmental checklist.

(1) A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960 shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency and, if the county is the lead agency, for determining the responsible official and for making the threshold determination.

(2) For private proposals, the county will require the applicant to complete the environmental checklist, providing assistance as necessary. For county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) The county may require that it and not the private applicant will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

(a) The county has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 4(C), 1984]

17.110.120 Mitigated DNS.

(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the county's actual threshold determination of the proposal.

(3) The responsible official should respond to the request for early notice within 10 working days. The response shall:

(a) Be written;

(b) State whether the county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the county to consider a DNS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal along with a revised or amended environmental checklist, the county shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

(a) If the county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the county shall issue and circulate a DNS under WAC 197-11-340(2);

(b) If the county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the county shall make the threshold determination, issuing a DNS or DS as appropriate;

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate;

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under either WAC 197-11-340(2), requiring a 14-day comment period and public notice, or WAC 197-11-355(5), which may require no additional comment period beyond the comment period on the notice of application.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the county.

(8) If the county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the county should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).

(9) The county's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the county to consider the clarifications or changes in its threshold determination. [Ord. 1170C §4, 2001; Ord.1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 4(D), 1984]

17.110.130 Appeals of threshold determinations.

(1) Those aggrieved by the requirements, decisions, or determinations made by the responsible official in the completion of the threshold determination process may appeal such decisions to the Hearing Examiner pursuant to Chapter 2.25 LCC.

(2) For proposals which do not involve another agency with jurisdiction, an appeal of a threshold determination must be received by the Hearings Examiner within fourteen (14) calendar days (and not later than four-thirty p.m. on the last day for such filing) of the date of issuance of the threshold determination or, if there is a comment period under WAC 197-11-340, within seven (7) calendar days of the last day of the comment period. If the last day of the appeal period is a holiday or a weekend, the appeal must be filed by four-thirty p.m. on the first weekday following such holiday or weekend.

(3) Public hearings on appeals of a determination of significance, mitigated determination of non-significance, or determination of non-significance shall occur prior to any decision by the Hearings Examiner. If the underlying proposal is reviewed by the Hearings Examiner, the SEPA appeal may be heard in concurrence with the public hearing on the underlying appeal, in accordance with Ch. 36.70B RCW.

(4) Appeals shall be made in writing and filed in duplicate with the department of community development with the appropriate filing fee.*

(5) Those aggrieved by the decision of Hearing Examiner on any appeal may appeal such decision to the superior court of Lewis County pursuant to Chapter 36.70C. [Ord. 1170C §5, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080-A § 6, 1992; Ord. 1080 § 4(E), 1984]

Article V. Environmental Impact Statement (EIS)

17.110.140 Environmental impact.

This section contains the rules for preparing environmental impact statements. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified by this section:

WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 5 Preamble, 1984]

17.110.150 Preparation of EIS.

(1) Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) is the responsibility of the county. Before the county issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by county staff, the applicant, or by a consultant selected by the county or the applicant. If the responsible

official requires an EIS for a proposal and determines that someone other than the county will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the county's procedures for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The county may require an applicant to provide information the county does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the county may request under another ordinance or statute.) [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 5(A), 1984]

Article VI. Commenting

17.110.160 Commenting.

This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified in this section:

WAC	
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 6 Preamble, 1984]

17.110.170 Public notice.

(1) Whenever possible, the county shall integrate the public notice required under this section with existing notice procedures for Lewis County's nonexempt permit(s) or approval(s) required for the proposal.

(2) Whenever Lewis County issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the county shall give public notice as follows:

(a) If a SEPA document is issued concurrently with the notice of application, the public notice requirements for the notice of application will suffice to meet the SEPA public notice requirements.

(b) If no public notice is otherwise required for the permit or approval, the county shall give notice of the DNS or DS by at least one of the following:

(i) Posting the property for site-specific proposals;

(ii) Publishing a notice in a newspaper of general circulation in the county;

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered; and/or

(iv) Notifying the news media.

(c) Whenever the county issues a DS under WAC 197-11-360(3), the county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(3) If a DNS is issued using the optional DNS process, the public notice requirements for the notice of application as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements.

(4) Whenever the county issues a DEIS under WAC 197-11-455(5) or a SEIS under

WAC 197-11-620, notice of availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and in addition by at least one of the following.

(b) Posting the property for site-specific proposals;

(c) Publishing a notice in a newspaper of general circulation in the county;

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered; and/or

(e) Notifying the news media.

(5) The county may require a applicant to complete the public notice requirements for the applicant's proposal at his or her expense. [Ord. 1170C §6, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 6(A), 1984]

17.110.180 Designation of official to perform consulted agency responsibilities.

(1) The department with jurisdiction shall be responsible for preparation of written comments for the county in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) This department shall be responsible for the county's compliance with WAC 197-11-550 whenever the county is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the county. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 6(B), 1984]

Article VII. Using Existing Environmental Documents

17.110.190 Using existing environmental documents.

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the county's own environmental compliance. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified in this section:

WAC

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement - Procedures.

197-11-625 Addenda - Procedures.

197-11-630 Adoption - Procedures.

197-11-635 Incorporation by reference - Procedures.

197-11-640 Combining documents.
[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 7, 1984]

Article VIII. SEPA and Agency Decisions

17.110.200 Rules and policies.

This section contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified in this section:

WAC

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority
and mitigation.

197-11-680 Appeals.

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord.
1080 § 8 Preamble, 1984]

17.110.210 Substantive authority.

(1) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of Lewis County.

(2) The county may attach conditions to a permit or approval for a proposal as long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The county may deny a permit or approval for a proposal on the basis of SEPA as long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The county designates and adopts by reference the following policies as the basis for the county's exercise of authority pursuant to this section:

(a) The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations,

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings,

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences,

(iv) Preserve important historic, cultural, and natural aspects of our national heritage,

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice,

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities, and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;

(b) The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(5) Except for permits and variances issued pursuant to Chapter 17.20 LCC, when any proposal or action not requiring a decision of the Hearing Examiner is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the Hearing Examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 10 days of the decision being appealed. Review by the Hearing Examiner shall be on a de novo basis. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 8(A), 1984]

17.110.220 Notice - Statute of limitations.

(1) The county, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C.080. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 8(B), 1984]

Article IX. Definitions

17.110.230 Definitions.

This section contains uniform usage and definitions of terms under SEPA. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified by WAC 173-806-040:

WAC

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.

197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-775	Open record appeal.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.

197-11-796 State agency.
 197-11-797 Threshold
 determination.
 197-11-799 Underlying
 governmental action.
 [Ord. 1170C §7, 2001; Ord. 1170B, 2000;
 Ord. 1157, 1998; Ord. 1080 § 9, 1984]

Article X. Categorical Exemptions

17.110.240 Categorical exemptions.

The county adopts by reference the following rules as now or hereafter amended for categorical exemptions, as supplemented or modified in this chapter, including WAC 173-806-070 (Flexible Thresholds), WAC 173-806-080 (Use of Exemptions), and WAC 173-806-190 (Critical Areas):

WAC
 197-11-800 Categorical
 exemptions.
 197-11-880 Emergencies.
 197-11-890 Petitioning DOE to
 change exemptions.
 [Ord. 1170C §8, 2001; Ord. 1170B, 2000;
 Ord. 1157, 1998; Ord. 1080 § 10, 1984]

Article XI. Agency Compliance

17.110.250 Agency compliance.

This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The county adopts the following sections as now or hereafter amended by reference, as supplemented or modified by WAC 173-806-050 through 173-806-053 and this section:

WAC
 197-11-900 Purpose of this part.
 197-11-902 Agency SEPA policies.
 197-11-916 Application to ongoing
 actions.
 197-11-920 Agencies with
 environmental expertise.
 197-11-922 Lead agency rules.
 197-11-924 Determining the lead
 agency.
 197-11-926 Lead agency for
 governmental proposals.
 197-11-928 Lead agency for public
 and private proposals.
 197-11-930 Lead agency for private
 projects with one agency
 with jurisdiction.
 197-11-932 Lead agency for private
 projects requiring
 licenses from more than
 one agency, when one of
 the agencies is a
 county/city.
 197-11-934 Lead agency for private
 projects requiring
 licenses
 from a local agency, not a
 county/city, and one or
 more state agencies.
 197-11-936 Lead agency for private
 projects requiring
 licenses from more than
 one state agency.
 197-11-938 Lead agencies for
 specific proposals.
 197-11-940 Transfer of lead agency
 status to a state agency.
 197-11-942 Agreements on lead
 agency status.
 197-11-944 Agreements on division
 of lead agency duties.
 197-11-946 DOE resolution of lead
 agency disputes.
 197-11-948 Assumption of lead
 agency status.

[Ord. 1170C §9, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 11 Preamble, 1984]

17.110.260 Fees.

(1) When the county is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the county, the county may charge and collect a reasonable fee from any applicant to cover costs incurred by the county in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(2) The responsible official may determine that the county will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the county and may bill such costs and expenses directly to the applicant. The county may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the county and the applicant after a call for proposals.

(3) The county may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

(4) The county may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 11(A), 1984]

Article XII. Forms

17.110.270 Forms.

The county adopts the following forms and sections as now or hereafter amended by

reference, as supplemented or modified by this section:

WAC

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1080 § 12, 1984]

GENERAL ADMINISTRATION

Chapter 17.115

SPECIAL USE PERMITS

Sections:

- 17.115.010 Purpose.
- 17.115.020 General criteria.
- 17.115.030 Special uses.
- 17.115.040 Application.
- 17.115.050 Hearing examiner review.
- 17.115.060 Special proceedings.

17.115.010 Purpose.

The purpose of this chapter is to identify the criteria by which special uses are to be considered by the hearings examiner. [Ord. 1170B, 2000]

17.115.020 General criteria.

The county adopts the following criteria as general criteria which shall be required as part of every special use permit issued by the County.

(1) The maximum environmental noise levels established by Chapter 173-60 WAC and incorporated herein by reference, together with any adjustments authorized therein.

(2) The air quality standards adopted by the Southwest Washington Air Pollution Control authority and any SWAPCA permit issued for a project.

(3) The terms of any permit issued for a project by a resource agency, including Washington State Department of Fish and Wildlife, HPA, Water Quality permit, Chapter 90.48 RCW, Shoreline Permit, Chapter 90.58 RCW, or permit issued by the U.S. Army Corps of Engineers.

(4) Conditions imposed in any final environmental determination, Mitigated Determination of Nonsignificance or Final Environmental Impact Statement under Chapter 43.21C RCW.

(5) Adequate provision must be made

for potable water, waste disposal, parking, transportation, and storm water control.

(6) The general criteria shall be applied to all Special Uses and shall be the criteria for those uses not specifically identified below.

(7) No special use permit shall be approved in any subarea or location where the limits identified in LCC 17.42.040 for projects have been reached. [Ord. 1179, 2002; 1170B, 2000]

17.115.030 Special uses.

The following special uses shall be reviewed as provided in this chapter and shall be subject to the general criteria and the special criteria identified below.

(1) GROUP HOMES AND OTHER STATE-LICENSED RESIDENTIAL CARE FACILITIES. The Hearings Examiner shall make a written finding that all terms of the State license which govern location and physical development of the facility are met by the application.

(2) RURAL RESORTS as identified in Tables 1 & 2, LCC 17.42.030 and -.040.

(a) Special conditions.

(i) Uses which propose development on more than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(3) RECREATION AND CAMPING FACILITIES such as mining camps, river camps, and hunting and hiking camps which provide necessary facilities to permit use and enjoyment of the Lewis County out of doors.

(a) Special conditions:

(i) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(4) SPORTS FACILITIES AND CLUBS including golf courses, playing fields for outdoor sports and other facilities, as

identified in Tables 1 & 2, LCC 17.42.030 and -.040:

(a) Special conditions:

(i) Uses which are larger than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(iii) As to pistol, rifle, skeet, and other shooting facilities which encourage education and training in the safe use of lawful firearms, the application shall include noise and range safety evaluation for property within one half mile of the proposed range. The hearing examiner must specifically find that the range does not pose a safety hazard to any resident within the study area.

(5) PRIVATE AVIATION FACILITIES (facilities providing landing surface and takeoff for aircraft or heliports used by nine or fewer aircraft)

(a) Special conditions.

(i) All landing strips shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute nuisance to neighboring uses. The Hearing Examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.

(ii) The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.

(iii) New private use landing strips and heliports shall be allowed in a rural or resource zone by a special use permit, with standards set forth in FAA regulations in effect on the date of application* and subject to the same notice requirements of

(6)(v) of this section.

(iv) For purposes of this section, an ultra light aircraft for personal use does not require a permit under this section and shall be considered an accessory use for any residential site in excess of five acres.

(6) PUBLIC AVIATION FACILITIES (facilities providing landing surface and takeoff for 10 or more general aviation aircraft) (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner)

(a) Special conditions.

(i) The minimum lot size shall be 60 acres.

(ii) The centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a special use permit application, shall be acceptable.

(iii) The field shall comply with the standards set forth in FAA regulations in effect on the date of application*.

(iv) Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft.

(v) Notification of special use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area. This notification requirement is in addition to all other notification requirements for Special Use Permit applications found in LCC 17.05.100, and those appropriate notification requirements

of Ch. 17.115 LCC. In addition to public notice designed to meet the requirements of Ch.17.12 LCC, recognizing the initial hearing will be before the Lewis County Hearing Examiner rather than before the Planning Commission. Notification for Hearing Examiner public hearings shall be published at least 10 days prior to any public hearing and such notice of hearing shall be published in the newspaper of record and in the newspaper of widest circulation in the area affected.

(vi) In addition to the requirements for a special use permit, the requirements of RCW 36.70.547 shall be met.

(vii) Such facilities shall be located on parcels where the aircraft allowed are at least 500 feet off of the ground prior to crossing a property line on takeoff or landing.

(viii) No residential structure shall be closer than 1,000 feet to the proposed air facility.

(ix) No place of public assembly shall be located within one half mile of the end of any such facility.

(x) The Hearing Examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.

(7) RESIDENTIAL, RECREATIONAL, AND OTHER NON-RESOURCE USES permitted under Chapter 17.30 LCC, Resource Lands.

(a) Special condition: Such uses shall demonstrate that the use does not adversely affect the overall productivity of the total resource parcel for the intended resource use by reason of the nonresource activity proposed.

(8) HOME BASED BUSINESSES AND ISOLATED SMALL BUSINESSES.

(a) Special conditions.

(i) Any new facilities shall be

located more than 200 feet from lands designated as critical areas, and shall be required to identify and take steps to protect resource activities where such activities occur nearby.

(ii) All home occupation facilities must be located on property contiguous to the parcel upon which the owner or manager resides.

(iii) A permit granted under this section is applicable to the facilities approved, so long as all criteria for home based industries are met. Where an owner desires to move and to move the business as a home based industry, a new permit will be required for the new location.

(iv) The cumulative affect of similar uses in the neighborhood must be identified to assure that the land is capable of accommodating the use without creating the need for new services or facilities which are not rural in nature.

(9) EXPANSION OF EXISTING NONCONFORMING COMMERCIAL OR INDUSTRIAL USES. (See also the requirements at 17.155)

(a) Special conditions.

(i) Use must have existed before July 26, 1999.

(ii) The new structure must not exceed 10,000 square feet.

(10) CLUSTER SUBDIVISIONS greater than six units.

(a) Special conditions.

(i) Must be on properties 40 acres and larger.

(ii) No more than 24 cluster subdivision units in any 1/2-mile radius, except where separated by a visual geographic barrier.

(iii) The hearing examiner shall examine the existing and proposed development within a one-mile radius of the perimeter of the proposed site to protect rural character and shall:

(A) Determine the nature of existing development and availability of

adequate facilities.

(B) Determine the likelihood of probably future cluster development.

(C) Determine the cumulative effect of such existing and probable future development.

(iv) The hearing examiner shall make written findings that the area in which the cluster is located is within the population targets of Table 4.3, p. 4-63 of the Lewis County comprehensive plan.

(v) The hearing examiner shall identify necessary conditions, including caps or specific limitations to assure that urban development defined in RCW 36.70A.030(17) as prohibited outside urban growth areas by RCW 36.70A.110 does not occur, and that the rural character identified in the comprehensive plan and RCW 36.70A.030(16) and RCW 36.70A.070(5)(b) is protected, and to achieve the specific requirements of RCW 36.70A.070(5)(c).

(11) ESSENTIAL PUBLIC FACILITIES—LOCAL. All facilities identified as essential public facilities—local. (Essential public facilities – major, such as a solid waste disposal facility or hydroelectric project, must be sited and approved as a comprehensive plan amendment.)

(a) Special conditions.

(i) The use is located in accordance with the criteria identified in a comprehensive plan adopted by the service provider.

(ii) If outside a UGA, the use can be accommodated without requiring urban services or promoting urban growth in rural areas.

(12) (A) SMALL TOWNS—MIXED USE/COMMERCIAL BUILDINGS IN EXCESS OF 5,000 SQ.FT. Projects in small towns—mixed use/commercial exceeding 5,000 square feet.

(B) SMALL TOWNS—INDUSTRIAL USES IN EXCESS OF 20,000 SQ.FT. Projects in small towns-industrial exceeding 20,000 square feet.

(a) Special conditions.

(i) The facility contains uses of a type and scale found in small towns.

(ii) That off-street parking is sized to accommodate the intended uses.

(iii) That the adequacy and rural facility tests of Chapters 17.130 and 17.150 LCC are met.

(13) RECREATIONAL VEHICLE PARK. A recreational vehicle park is a facility for the short- or long-term use of recreational vehicles, as distinguished from mobile homes or camp sites approved under other sections of this Code.

(a) Special conditions.

(i) Recreational vehicle parks shall conform to the requirements of the recreational vehicle park ordinance set forth in Title 16 of this Code. Per Tables 1 & 2, at LCC 17.42.030 and .040, RV Parks up to 100 sites or up to 10 acres are processed through a Special Use Permit; those over 100 sites and up to 40 acres go through a Rural Master Plan process, and those having more than 100 sites and larger than 40 acres go through as a Master Plan Resort.

(14) CREATION OF NEW SURFACE MINING AREAS OR THE EXPANSION OF THE SURFACE MINING AREAS.

(a) Applicability. This section applies to the creation of new surface mining areas or the expansion of lawfully permitted activities beyond the approved DNR reclamation plan area in effect on July 26, 1999; provided, however, this does not cover any mining activity which is less than three acres in size and less than 5,000 yards per year.

(b) Mine development standards. All permits issued pursuant to this section shall require the following minimum standards. The hearing examiner may increase buffers and mitigation where good cause is shown.

(i) Setbacks/Screening.

(A) A fifty (50) foot setback from the mine property and from all abutting

property, consistent with and subject to the reduction provisions of Section 17.30.810 LCC, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, setbacks may be increased when necessary to protect lateral support of abutting properties or public rights of way.

(B) A twenty-five (25) foot screen within the fifty (50) foot setback on the mine property, consisting of site obscuring vegetation, berms, or other methods to conceal the mine from public rights of way or property used for residential purposes as approved by Lewis County shall be maintained.

(C) Any direct extraction operation areas within a public utility right of way shall be subject to the written conditions of approval from the affected utility, which shall be incorporated into the permit.

(D) A two hundred (200) foot setback shall be maintained between any mining activity and any existing structure occupied for sleeping or eating purposes but not including accessory structures such as barns or out buildings, existing at the date of application.

(ii) Road use—In order to assure maintenance and development of adequate county roadways, owners of surface mining operations may be required to enter into a haul route agreement with the County Engineer upon adoption and implementation of a Haul Route Agreement Program. The haul route agreement shall address impacts immediately attributable to project use.

(iii) Traffic safety—The operator may be required to install traffic improvement, control, and warning signs to assure adequate access and traffic safety.

(iv) Noise/Bright lights

(A) No development or activity shall exceed the maximum environmental noise levels established by Chapter 173-60 WAC.

(B) Bright lights shall be shaded or shielded from adjoining residential properties.

(v) Surface mining operation with critical aquifer recharge areas—The purpose of this section is to protect critical aquifer recharge areas as required by RCW 36.70A.060(2). Any surface mining operation within a critical aquifer recharge area (as designated in Chapter 17.35 LCC) shall meet the following standards:

(A) Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be above ground. Fueling of mobile equipment shall be located at least twenty feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Where the nature of the operation is such that the machinery cannot be moved for fueling, or the aquifer is less than twenty (20) feet from the surface, the Hearings Examiner may approve an alternative fueling plan which accomplishes aquifer protection.

(B) All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.

(C) Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Lewis County Department of Health for backfill or reclamation. Non-contaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and storm water discharge may substitute for

these requirements.

(D) On-site truck and equipment wash runoff shall be routed to retention facilities equipped with an oil-water separator prior to its release to settling ponds.

(E) Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within critical aquifer recharge areas shall meet all the standards set forth in Chapters 90.48 RCW and 173.303 WAC.

(vi) Public safety—Owners of surface mines shall ensure their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations comply with all state laws about peak particle velocity, air pressure, and other state requirements, including but not limited to Chapter 9 of the Blasting Guidance Manual identified below. All fly-rock shall be contained within the site. All activities shall comply with the standards set forth in official guidelines, including but not limited to Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., Explosives: WAC 296-52-493, Part F.

(vii) Surface water permit—WDOE NPDES Sand and Gravel General Permit or individual permit, as appropriate, shall be a condition of approval and incorporated herein by reference.

(viii) Hours of operation—Regular hours of operation shall be between the hours of six-thirty (6:30) o'clock AM and seven (7) o'clock PM; blasting shall only occur during the time period between ten (10) o'clock AM and four (4) o'clock PM. Prior to any blast, twenty-four (24) hours notice shall be given to all property owners or residences within five hundred (500) feet of any mine property line. If a blast does not occur as scheduled in a notification, twenty-four (24) hour renotification shall be required. The

Hearings Examiner may inquire into the proposed hours of operation and set additional limits when deemed necessary to protect quiet enjoyment of neighboring residential properties. The Hearing Examiner may include provisions for exceptions from established regular hours of operation. Extended hours may be requested and approved under conditions set by the hearings examiner, particularly for work on public works contracts where an emergency may require work outside regular hours.

(c) Preferential right to manage resources and resource use notice. For those land owners of designated Mineral Resource Lands who choose to use their property for resource management, the provision of "Right to Mine" shall fully apply.

(d) Mining use notices—Designated Mineral Resource Lands.

(i) For properties designated Mineral Resource Land in the comprehensive plan and development regulations, the property owner(s) of said land shall submit to the County, for recording with the County Auditor, a written notice of the designation. This notice shall be in a form authorized by the Director of the Community Development Department and shall include:

(A) The legal description of the property subject to the designation

(B) The 1/16 section or sections which lie adjacent to the property designated in (A) above and any other property within 500 feet of the boundary of the designated property.

(C) The following statement:

NOTIFICATION

This notification is to inform property owners that the property described herein is adjacent to or within 500 feet of the property line of land managed for mining. Mining operations may be carried out now or in the future. Lewis County has

established designated Mineral Resource Land that sets as a priority the use of these lands for mining. The normal and usual practices associated with said operations when performed in accordance with county, state, and federal law, shall not be subject to legal action as a public nuisance.

The mineral right owner/operator shall execute and acknowledge the notice, and pay the fee to the County for recording the notice.

(ii) For properties designated Mineral Resource Land pursuant to the comprehensive plan and development regulations, the Director of the Community Development Department shall submit to the County Auditor for recording, a written notice of all Designated Mineral Resource Lands. This notice shall be in a form similar to the NOTIFICATION just prior above. The Director of the Community Development Department shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.

(iii) For all properties within 500 feet of the property line of a parcel which includes designated Mineral Resource Lands, all plats, short subdivisions, large lot subdivisions, development permits and building permits issued by Lewis County after the effective date of this Chapter for development activities within 500 feet of property designated Mineral Resource Land, or within 500 feet thereof, shall contain a notice as specified in the NOTIFICATION just prior above.

(e) Project notification.

(i) Posted by the applicant on the county road nearest the proposed entrance, 4' x4' sign identifying the time, place, and purpose of the proceedings

(ii) Mailed to property owners of record within 500 feet of the boundary of property on which the mine is to be located, but not greater than 1/4 section, so long as the proposed mine is less than 80 acres in

size.

(f) Exceptions—This permit process shall not be applicable to mines regulated under federal mining laws. [Ord. 1179B Ex. B, 2003; Ord. 1170B, 2000]*[Codifier's Note: FAA regulations referenced are FAR Title 14, Part 157, Section 157.3, and as thereafter amended.]

17.115.040 Application.

The application shall include a special report to be prepared in connection with the environmental checklist which shall identify:

(1) The owner or owners of the property to be mined; a copy of the lease if the applicant is the tenant on a site.

(2) The legal description of the property to be mined—the entire parcel to be included in the special use approval, which may be less than the entire ownership, together with each separate ownership within the development area

(3) The application shall identify all uses proposed for the site, including direct or accessory uses. No use shall be permitted on a mineral site which is not shown on the map approved by the hearings examiner.

(4) A map or series of maps at a scale of 1" = 100 feet, which shows:

(a) Boundaries of the designated area

(b) Boundaries of individual ownerships, or leasehold interests if the mine is confined to a leasehold area

(c) Dedicated rights of ways or easements over, across, or under the property to be reviewed for approval

(d) Existing roads, highways, and driveways abutting the site and within 500 feet of the site, and the principal access from the site to the nearest arterial or state highway

(e) Property ownerships within 500 feet of the site.

(f) Wells within the development area or within 500 feet of the boundary of the site which are used for

domestic use or identified through well log or water right records.

(g) A general identification and location of critical areas on the site or within 500 feet of the site and the identification of all Type 1, 2, and 3 streams under WDF&W criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act.

(h) For mineral extraction special use permits only: A mine plan consistent with DNR reclamation requirements, together with a proposed phasing plan.

(i) An environmental checklist. The environmental checklist shall specifically address:

(i) On-site and off-site critical areas, issues, protection, and mitigation.

(ii) Transportation--Present facilities and upgrades if required, new facilities, and phasing impact and mitigation required.

(iii) Stormwater, including facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources, and all Type 4 and 5 streams affected by mines or accessory activities.

(iv) For mineral extraction special use permits only: Blasting, if applicable, and potential risks and mitigation.

(v) Water source and uses and affect on neighboring properties. [Ord. 1170B, 2000]

17.115.050 Hearing examiner review.

(1) All special use permits shall be heard by the hearings examiner. The hearings examiner shall approve the special use permit upon written findings that:

(a) The plan is consistent with and promotes the goals of the comprehensive plan and the general and special conditions of the special use;

(b) Adequate provision is made for public services and facilities concurrent with

the development;

(c) Adequate protection is given adjacent properties from the impacts of safety, noise, fugitive dust, odor, and runoff;

(d) Where state law establishes specific standards for operations (e.g. noise), such standards are to be specifically referenced in any permit; and

(e) Adequate protection is given critical areas, including surface and ground water consistent with the critical areas requirements of Chapter 17.35 LCC.

(f) Access to public streets is consistent with county standards.

(g) The provisions of Chapter 17.145 LCC have been met.

(2) The hearings examiner may condition such special use permit based on written recommendations in environmental documents, and as otherwise necessary to comply with the requirements of this chapter, the County Comprehensive Plan, development regulations, and environmental regulations.

(3) The hearing examiner shall hold an open record hearing and shall issue a decision which shall be final for County purposes. Any party aggrieved by the decision of the hearing examiner, with standing as provided by Chapter 36.70C RCW, LUPA, may appeal such decision pursuant to LCC 2.25.140, with further appeal to Superior Court pursuant to Chapter 2.25 LCC. [Ord. 1179, 2002; 1170B, 2000]

17.115.060 Special proceedings.

In addition to other remedies available under the laws of the State of Washington:

(1) For mine sites only: The hearings examiner shall, upon the request of the County or the petition of one or more property owners within one-half mile of a mine site, conduct a public hearing to determine:

(a) The extent of lawfully permitted mining activity on July 26, 1999

(b) Whether the current mining operation is operating within the boundaries of a lawful pre-existing mine site

(c) Whether a special use permit is required to continue mining operations.

(2) For any special use permit: The hearings examiner shall, upon the request of the County or petition of one or more residents within one-half mile of a special use permit site, conduct a public hearing to determine whether the terms of the permit are being followed. If the hearings examiner finds the conditions of the permit are not followed, the examiner may require modification of the permit to solve the problem. Where offsite damage has occurred, the examiner may suspend the permit until all necessary corrections are made, or when uncompensated damages have occurred attributable to mine operations, the examiner may condition reopening of permit upon payment of any damages caused by mining operations, including but not limited to replacing potable water supplies. Payment may be made under protest, or bond posted if the operator wishes to proceed and appeal the determination under LC 2.25.130.

(3) Upon receipt of a petition under either (1) or (2) above, the County shall notify all property owners abutting or within 500 feet of the property which is the subject of the special use permit, to notify them of the proceeding and of their right to participate. The notice of the proceeding shall also be published in the newspaper of record.

(4) For mine sites only: Variances may be granted to a special use permit holder for the "Hours of Operation" provisions noted in LCC 17.115.030(19)(b)(viii) if findings are made that immediate compliance with any requirements cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors requiring operations beyond such limitations. Any

variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances, and shall otherwise comply with all other applicable regulations. Variances shall be reviewed and administratively issued by the Director of Community Development or his/her designee only upon application in writing and after being provided such information as may be requested. No variance shall be issued for a time period to exceed twenty-one (21) days, except upon due notice to the public and a public hearing before the hearings examiner, and no more than one variance in any 90-day period shall be issued without such notice and hearing on any subsequent variance request. [Ord. 1170B, 2000]

Chapter 17.120

MASTER PLANS—RURAL AREA USES

Sections:

- 17.120.010 Purpose.
- 17.120.020 Application.
- 17.120.030 Complete application—vesting.
- 17.120.040 Process.

17.120.010 Purpose.

The purpose of the master plan process is to identify a means of planning development for an entire property as a prerequisite for development on any portion of the property. The master plan process is required for Tourist Services Area development under Chapter 17.70 LCC and for Rural Area Industrial development under Chapter 17.75 LCC. [Ord. 1170B, 2000]

17.120.020 Application.

The proponent of any specific proposal shall submit an application with the information required below. The application must be signed by the owners of at least 50% of the property subject to the plan. The application shall identify:

(1) The owner or owners of the property to be planned, which shall be the entire parcel designated in the comprehensive plan.

(2) The legal description of the property to be planned—the entire designated parcel, together with each separate ownership within the development area.

(3) A map or series of maps at a scale of 1" = 500 feet, or as approved by the Administrator as necessary to adequately illustrate the proposed development, which shows:

(a) Boundaries of the designated area.

(b) Boundaries of individual ownerships.

(c) Dedicated rights of ways or

easements over, across, or under the property.

(d) Existing roads, highways, and driveways abutting the site and within one-half mile of the site.

(e) Property ownerships within one-half mile of the site.

(f) Wells within the development area or within 1,000 feet of the boundary of the site which are used for domestic use or identified through well log or water right records.

(g) A general identification and location of all critical areas on the site or within 1,000 feet of the site and the specific identification of all Type 1, 2, and 3 streams under WDF&W criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act.

(h) A land use plan map showing planned land use categories and areas, circulation, critical area buffers, and open space.

(4) A phasing plan which shows the proposed phases for development and how the phases are designed to assure the overall coordinated development of the site and its integration into the surrounding community.

(5) An environmental checklist or a request to proceed directly to scoping under SEPA. Any environmental review shall provide special studies which address:

(a) On-site and off-site critical areas, issues, protection, and mitigation.

(b) Transportation—Present facilities and upgrades if required, new facilities and phasing, on-site and off-site impact and mitigation required.

(c) Water, Wastewater Stormwater—Facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources. [Ord. 1170B, 2000]

17.120.030 Complete application–vesting.

Upon receipt of an application and the payment of the prescribed fee in the County fee schedule, the County shall, within 28 days, issue a letter of completeness or identify the specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the 29th day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the County shall make findings and issue a decision that the application is rejected. If the County rejects an application, all vesting rights are lost. [Ord. 1170B, 2000]

17.120.040. Process.

Master plans must identify compliance with the comprehensive plan and detail the source and adequacy of water, waste water treatment, fire control, transportation, storm water treatment, surface and ground water protection, critical areas and protection, and mitigation of adjacent properties from direct impacts from noise, fugitive dust, odor, and runoff.

(1) The hearings examiner shall review the master plan and make written findings on the following issues:

(a) The plan is consistent with and promotes the goals of the comprehensive plan and the implementing development regulations.

(b) Adequate provision is made for public services and facilities concurrent with the development, provided that uses approved within the master plan shall not require the provision of municipal sewers.

(c) On site public services or facilities are limited to the project area and not available to spur growth outside the master plan area.

(d) Adequate provision is given adjacent properties from the impacts of noise, fugitive dust, odor, and runoff.

(e) Adequate protection is given critical areas, including surface and ground water.

(f) County standards are met as provided in Chapter 17.145 LCC.

(2) The hearings examiner may condition such master plan based on written recommendations in environmental documents, the comprehensive plan, and as otherwise necessary to comply with the requirements of this ordinance.

(3) The hearings examiner shall hold an open record hearing and shall issue a final decision.

(4) A master plan under this chapter is a quasi-judicial process to enable development of the subject property consistent with the guidelines and standards of this chapter. A final decision shall be final unless appealed pursuant to Chapter 36.70C RCW. [Ord. 1170B, 2000]

Chapter 17.125

ESSENTIAL PUBLIC FACILITIES

Sections:

- 17.125.010 Purpose.
- 17.125.020 Definitions.
- 17.125.030 Procedure.

17.125.010 Purpose.

The purpose of this chapter is to identify means of siting essential public facilities within the rural zones of Lewis County. Within incorporated IUGAs [UGA's*] city criteria shall prevail. [Ord. 1170B, 2000]

17.125.020 Definitions.

(1) "Essential public facilities–major" means those facilities which are not required to be located in Lewis County, but which may be designated for Lewis County by the appropriate agency and which have the potential for material local impact. Such facilities include state prisons and correctional facilities administered by the Washington State Department of Corrections, regional or international airports operated by authorities not located in Lewis County, energy facilities proposed by a utility not headquartered in Lewis County.

(2) "Essential public facilities–local" means transportation, utility, and education facilities; special needs facilities; solid waste facilities; port facilities administered by ports; juvenile detention facilities; community jail and other facilities all administered by an agency or entity headquartered in Lewis County. Local general aviation airports owned and/or operated by municipal authorities shall be an essential public facility. [Ord. 1170B, 2000]

17.125.030 Procedure.

(1) Essential public facilities–major. All such facilities may be considered for Lewis County through a comprehensive plan

amendment. The sponsoring agency may request such an amendment and such request shall be considered by the Lewis County Planning Commission, which shall make a recommendation to the Lewis County Board of County Commissioners. Areas of specific consideration shall include the need for the facility, the ability of the community to provide adequate public facilities and to meet adequacy requirements; and the ability of the community to adequately mitigate, or compensate where appropriate, local residences significantly impacted by the project.

(2) The comprehensive plan amendment shall include a master plan which may deal with all development related issues on the site. In such event the comprehensive plan amendment shall include both a rezone and a master plan approval which, if approved, would permit immediate development of the facility. Alternatively, the proponent may request a two-phase application in which the initial comprehensive plan designation would be a request for the land, together with guiding development criteria, and future development plans would be considered as part of a site wide master plan submitted pursuant to Chapter 17.120 LCC.

(3) Essential public facilities–local. All facilities identified as essential public facilities–local are considered allowed uses through the special use permit process identified in Chapter 17.115 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

*[Note: interim UGA's have been supplanted by UGA's, as set forth in the Comprehensive Plan]

Chapter 17.130

ADEQUATE PUBLIC FACILITIES AND SERVICES

Sections:

- 17.130.010 Purpose.
- 17.130.020 Development standards.

17.130.010 Purpose.

Lewis County requires a determination of adequate facilities for all projects other than development of a single-family residence on an existing lot of record, large lot simple segregation approved under 16.12.500 LCC et sec where new development is not approved, home occupations, and projects exempt from threshold review pursuant to Chapter 43.21C RCW. [Ord. 1179, 2002; 1170B, 2000]

17.130.020 Development standards.

(1) Water.

(a) Availability as required by Chapter 36.70A RCW and RCW 19.27.097.

(b) Quantity sufficient to meet proposed demand.

(c) Water sufficient to meet applicable fire suppression requirements, if any.

(d) Where a water district is present, the ability of the water district to serve the project with existing facilities or with facilities planned by the district or the project and reasonably available within the development phasing of the project.

(2) Waste water. The ability to discharge waste water, including pretreatment where used, to lawful discharge points, including:

(a) Licensed treatment facilities in accordance with adopted comprehensive waste water plans and within service areas approved as of July 26, 1999.

(b) Septic tanks where the site contains soils suitable under the standards of

the Lewis County Health Code for septic tanks, together with a full reserve area.

(c) Other discharges consistent with the Lewis County Health Code, including temporary service and experimental services lawfully approved.

(d) Other discharges consistent with permits issued by the Washington State Board of Health or Washington Department of Ecology, i.e. waste discharge permits, holding permits, gray water recycling permits.

(3) Fire/Emergency service.

(a) For residential uses 35 feet tall or less and commercial uses two stories or less and 50,000 square feet or less, the local fire district has the equipment and personnel to serve the new facility without a change in the current level of service for similar facilities existing in the district.

(b) For industrial uses and all residential or commercial uses over 35 feet high, the district has the equipment and personnel to serve the new facility consistent with adopted standards within the district, including local fire codes.

(c) Fire districts can provide or secure adequate emergency services.

(4) Schools.

(a) For residential uses, that the school, can reasonably accommodate the school population anticipated from the new development with existing facilities, together with state or federal funds expected as a result of growth or changes within the district.

(b) For commercial or industrial uses, that the traffic or other impact to the school does not interfere with reasonable school operations or safety.

(5) Transportation.

(a) That roads constructed for the project meet applicable road standards.

(b) That the traffic accessing the project can move through affected County arterial and collector roadway corridors and transit routes at a "D" level of service as

determined consistent with the current edition of the Transportation Research Board Highway Capacity Manual, consistent with County concurrency guidelines as identified in the Transportation Element in the County's Comprehensive Plan, at Transportation Policy T.13.6, 13.7, and T 13.8 (pp. 6-8). A corridor is defined as including the principal routes and affected intersections, together with associated routes and intersections that provide reasonable alternatives for the expected trips. For purposes of concurrency, an affected corridor is determined as any road link or intersection on which the project may generate fifty (50) new "peak time" trips or turning movements. The "peak time" is defined as the average of the 60-minute period between 4:00 p.m. and 6:00 p.m. with the greatest sum of traffic volumes on a roadway segment or passing through the area of the project and the highest hour to the peak commute hour. Concurrency is based on average of all affected intersections or links, and a single failing intersection will not defeat concurrency for purposes of RCW 36.70A.070(6)(b) where intersections reasonably available to the project still function at an acceptable level. (See comprehensive plan at pp. 6-44.)

(c) Projects which impact a failing intersection may be permitted to pay a fair share of the cost to upgrade the facility to an acceptable level of service through Chapter 43.21C RCW, but such share shall not exceed the total project traffic expected to use the facility as a proportion of total capacity. It is the policy of Lewis County to have transportation facilities either in place or planned and funded to be in place within six years of any development, to assure that the County maintains concurrency between planned growth and needed facilities.

(d) State route use and access on state routes comply with Washington Department of Transportation regulations (LOS C).

(6) Transit. Adequate facilities are available where the project does not adversely affect the ability of the local and regional transit agency from accomplishing its stated goals as identified in the adopted comprehensive plan.

(7) Solid waste. Adequate facilities are available where the project does not adversely affect the ability of the local and/or regional solid waste authorities from accomplishing the goals and objectives of the adopted county solid waste comprehensive plan. Adequacy includes adequate facilities to pick up, transport, and dispose or transfer solid waste, consistent with plan guidelines. Certain projects in rural areas, outside adopted service areas may be required to provide for the initial pickup and transport if public or UTC approved services are not available. [Ord. 1179, 2002; Ord. 1175 § 2, 2000; Ord. 1170B, 2000]

Chapter 17.135

LAND CLEARING BURNING

Repealed. [Ord. 1146C §3, 2003]

Chapter 17.140

OPEN SPACE

Sections:

- 17.140.010 Authority and title.
- 17.140.020 Purpose.
- 17.140.030 Definitions.
- 17.140.040 Applicability.
- 17.140.050 Application forms.
- 17.140.060 General open space.
- 17.140.070 Open space farm and agricultural conservation.
- 17.140.080 Designation of administrator.
- 17.140.090 Procedure for processing applications.
- 17.140.100 Assessor's report.
- 17.140.110 Committee review.
- 17.140.120 Recommendation of the committee.
- 17.140.130 Planning commission public hearing.
- 17.140.140 Recommendation of the planning commission.
- 17.140.150 Board review and action.
- 17.140.160 Current use assessment contracts.
- 17.140.170 Basic criteria.
- 17.140.180 Assessed benefit rating and valuation schedule.
- 17.140.190 Removal from open space classification.
- 17.140.200 Fees and charges.

17.140.010 Authority and title.

This chapter is established pursuant to Chapter 84.34 RCW and shall be known as the "Lewis County Public Benefit Rating System Ordinance." [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 1.01, 1996]

17.140.020 Purpose.

The purposes of this chapter are to:

- (1) Establish an open space current use assessment program based on land characteristics and public benefit;

(2) Identify, restore, preserve and conserve those sites of historical, cultural, ecological and scientific significance, and other open space land as defined in RCW 84.34.020(1) and (8), as currently enacted or hereafter amended;

(3) Provide incentives to landowners to conserve current use open space lands for the use and benefit of the public and for production of food and fiber, as provided in Chapter 84.34 RCW;

(4) Provide assurance to the general public that any land reclassified under this chapter is and will be managed for the benefit of the public;

(5) Provide a means to evaluate each application to ensure a balance of public benefit in exchange for revenue loss or tax shift that occurs with each open space reclassification. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 1.02, 1996]

17.140.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined by the most recent edition of the American Heritage Dictionary of the office of the Lewis County board of county commissioners.

(1) “Assessor” means the Lewis County assessor or his designated representative.

(2) “Board” means the board of Lewis County commissioners.

(3) “Commercial agricultural production” means the production of saleable quantities of organic materials.

(4) “Committee” means the Lewis County public benefit rating advisory committee. This committee shall be comprised of (1) a representative of the Lewis County assessor, (2) a representative

of the Lewis County department of community development, (3) a member of the board of county commissioners, (4) a member of the Lewis County farm advisory board, and (5) a member of the Lewis County planning commission.*

(5) “Department” means the Lewis County department of community development.*

(6) “Open space farm and agricultural conservation land” means either:

(a) Land that was previously classified under RCW 84.34.020(2) (open space farm and agricultural land) that no longer meets the qualifying criteria for that classification; or

(b) Traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agricultural production.

(7) “Open space land” means either:

(a) Any land designated by a comprehensive plan adopted by any city or the county and zoned accordingly; or

(b) Any land area, the preservation and conservation of which in its present state would:

(i) Protect, conserve and enhance natural or scenic resources and scenic vistas;

(ii) Protect streams and stream corridors, aquifers and aquifer recharge areas, or water supplies;

(iii) Promote conservation of soils, wetlands, or beaches;

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(v) Enhance public recreational opportunities;

(vi) Preserve historic sites;

(vii) Preserve visual quality along highway, road or street corridors;

(viii) Retain in a natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the board when granting the open space classification; or

(ix) Protect and conserve soil used for or potentially used for commercial agricultural production.

(8) "Planning commission" means the Lewis County planning commission.

(9) "Rural" means an area with a planned density of not greater than one dwelling per acre outside city limits.

(10) "Urban" means an area with a planned residential density of more than one residence per acre inside city limits. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 2, 1996]

17.140.040 Applicability.

Any person seeking to reclassify land as open space for current use assessment as defined in RCW 84.34.020(1) or (8), and this chapter, as now or hereafter amended, shall comply with the provisions of this chapter. Farm and agricultural conservation land classification(s) for properties not used for farming or agricultural use shall be effective for no less than 10 years, after which time the land must either be returned to commercial farm and agricultural use, or a revised conservation plan submitted for approval pursuant to this chapter. Failure to return the land to commercial farm and agricultural use or submit a revised conservation plan shall result in removal of the land from the current use program. The land may, however, be transferred to other open space programs during the ten (10) year period of commitment with the approval of the Board. The land will remain committed to that open space program for the length of the original ten (10) year commitment. Current use open space classification applies to the land and does not include any structure or land area that

comprises the principal place of residence or residential accessory structures of the landowner or employee on a one acre homesite

for 20 acres or more pursuant to RCW 84.34.020 (2)(d). [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156A §3, 1997; Ord. 1156 § 3, 1996]

17.140.050 Application forms.

All application forms for open space reclassification shall be obtained for the assessor, completed in full and submitted to the assessor with applicable fees for processing. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 4.01, 1996]

17.140.060 General open space.

Each application for land reclassification into an open space category defined in LCC 17.140.030(7) shall include the following:

(1) A written statement explaining how the proposed reclassification meets one or more of the criteria for the open space category sought.

(2) A land conservation plan pursuant to WAC 458-30-242(2)(b) showing the measures that will be taken to maintain and protect the current use of the property. The conservation plan shall include:

(a) The name, address and daytime telephone number of the land owner;

(b) The land owner's goals and objectives for the property;

(c) The location of the property;

(d) The size of the land area to be reclassified;

(e) A site plan map locating all structures, including but not limited to house, barn, outbuildings, well, fields, fences, etc.; and

(f) An action plan that schedules the actual conservation and management practices that will be used to assure the public that the land will be managed in conformance with this chapter. [Ord. 1170B,

2000; Ord. 1157, 1998; Ord. 1156 § 4.02, 1996]

17.140.070 Open space farm and agricultural conservation.

Each application for open space farm and agricultural conservation land classification as defined in LCC 17.140.030(6) shall include the following:

(1) A written statement explaining how the proposed reclassification meets one or more of the criteria for the open space category sought, and identifying the number of years previously taxed as farm and agricultural land under Chapter 84.34 RCW;

(2) A conservation plan including all interim measures that will be followed to protect and manage the land in a manner that allows immediate resumption of commercial agricultural use. Each conservation plan shall contain the following information:

(a) The name, address, and daytime telephone number of the land owner;

(b) The location of the land;

(c) The size of the land area to be reclassified;

(d) A nontechnical soils description and agricultural capability classification as assigned in the Soil Survey of Lewis County Area, Washington, published by the USDA, Natural Resource Conservation Service (formerly the Soil Conservation Service);

(e) A copy of the published soils map showing the boundaries of the subject land;

(f) A list of the applicant's goals and objectives for managing the land;

(g) A schedule of measures that are and will be used to accomplish the goals and objectives; and

(h) The steps that will be taken to conserve the agricultural soils to allow immediate return to commercial agricultural production. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 4.03, 1996]

17.140.080 Designation of administrator.

The assessor shall administer the provisions of this chapter. The assessor may prepare any forms and procedures necessary to administer this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.01, 1996]

17.140.090 Procedure for processing applications.

The assessor shall:

(1) Assign a file number;

(2) Review the application;

(3) Schedule a meeting of the Lewis County public benefit rating advisory committee to review the application; and

(4) Transmit a copy of the application to the Lewis County department of community development for the following:*

(a) Preparation of a report on the application for furtherance of the objectives of Chapter 17.30 LCC, as now or hereafter amended and consistency with the Lewis County comprehensive plan. The report may recommend conditions to assure conformity with any applicable zoning, the comprehensive plan, the neighborhood, and other applicable regulations; and

(b) Scheduling of a public hearing before the Lewis County planning commission. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.02, 1996]

17.140.100 Assessor's report.

The assessor shall prepare a report for planning commission recommendation at the public hearing held pursuant to LCC 17.140.110 for each application.

(1) The assessor may consult with the Washington State University Cooperative Extension Service, the Washington State Department of Natural Resources, the USDA, Natural Resource Conservation Service, or Lewis County Conservation District, or any other agency with knowledge or expertise regarding any open

space reclassification or other current use application.

(2) The report shall evaluate whether the preservation of the current use of land, when balanced against the revenue loss or tax shift that may result from the application, will protect and conserve open space lands in conformance with this chapter.

(3) The report may recommend conditions to assure conformity with the neighborhood and other applicable regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.03, 1996]

17.140.110 Committee review.

The reports of the assessor and the department for each application shall be submitted to the Lewis County public benefit rating advisory committee for their review. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.04, 1996]

17.140.120 Recommendation of the committee.

Following their review the committee shall:

(1) Determine if the proposed reclassification conforms to the goals and policies of the comprehensive plan and this chapter;

(2) Determine if the proposed reclassification conforms to other applicable statutes;

(3) By majority vote, make a recommendation for approval, approval with conditions, or denial to the Lewis County planning commission; and

(4) Transmit the recommendation to the planning commission, together with all conditions, findings and supporting documentation no later than 14 days following their decision. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.05, 1996]

17.140.130 Planning commission public hearing.

As mandated by RCW 84.34.037(1), applications for classification or reclassification shall be acted upon in the same manner in which an amendment to the Lewis County comprehensive plan is processed. Therefore, following the receipt of the recommendation of the committee, the Lewis County planning commission shall conduct a public hearing for each application pursuant to the requirements of RCW 36.70A.130. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.06, 1996]

17.140.140 Recommendation of the planning commission.

Following the public hearing the planning commission shall:

(1) Determine if the proposed reclassification conforms to the goals and policies of the comprehensive plan and this chapter;

(2) Make a recommendation for approval, approval with conditions, or denial to the board. The planning commission shall limit reclassification of farm and agricultural conservation land to no less than 10 years; and

(3) Transmit the recommendation to the board, together with all conditions, findings and supporting documentation no later than 14 days following the planning commission decision. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.07, 1996]

17.140.150 Board review and action.

Upon receipt of the recommendation of the planning commission the board shall review each application at a regular meeting. The board may do the following:

(1) By motion, approve, approve with conditions, or deny an application as recommended by the planning commission without holding a public hearing; or

(2) If the board does not concur with the recommendation of the planning

commission, the board shall hold a public hearing upon due public notice at least 10 days prior to the hearing. Following such public hearing the board shall make a determination to approve the application, approve the application with conditions, or deny the application.

The determination and findings of the board shall be made available to the public for review upon request. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.08, 1996]

17.140.160 Current use assessment contracts.

All applications requiring a current use assessment contract in conformance with Chapter 84.34 RCW shall meet the following requirements.

(1) The clerk of the board shall by certified mail send any current use assessment contract to the landowner.

(2) The landowner shall sign and return the contract within 30 days from the date of mailing, or all approvals for current use

assessment reclassification shall become null and void.

(3) The assessor shall monitor the contract to determine compliance for the duration of the open space classification in conformance with Chapter 84.34 RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.09, 1996]

17.140.170 Basic criteria.

Applications for open space current use assessment reclassification will be evaluated and determined in accordance with the provisions of Chapter 84.34 RCW and this chapter. To qualify for a reclassification category, each applicant shall demonstrate that reclassification of the land meets one or more of the rating criteria shown in Tables 1 and 2 for each open space conservation and preservation category sought. Applicants are encouraged to apply for more than one open space conservation and preservation category to achieve a higher open space public benefits rating score.

Table 1
Open Space Categories and Qualifying Criteria

Land is designated as open space in a comprehensive land use plan and zoned open space by the local government	Protect, conserve and enhance natural or scenic resources	Protect streams or water supply, including stream corridors, aquifers and aquifer recharge areas	Promote conservation of soils, wetlands, beaches, tidal marshes, or natural shorelines	Enhance value to the public of abutting or neighboring public parks, forests, dedicated wildlife preserves, dedicated nature reservations or sanctuaries, or other open space, and enhance public recreational opportunities	Promote conservation of unique or critical wildlife and/or native plant habitat
Land preserved in its natural state provides a riparian buffer pursuant to Chapter 17.35 LCC along a river or stream	Land is identified as a rural mixed use or natural resource area in the county comprehensive plan	All or a majority of the land provides flood storage during a regulatory flood	Land is identified as a rural mixed use or natural resource area in the county comprehensive plan	Land is within ¼ mile of land designated in an adopted park and recreation plan for additional recreational opportunities	
Land preserved in its natural state prevents encroachment of urban development into commercial forest and agricultural areas	Land is located adjacent to a scenic highway or scenic vista with a view of the property and beyond	Land abuts a stream or river where, if land use alterations occur, a reasonable expectation of damage from run-off, siltation, infiltration, or other development actions can jeopardize surface or ground water quality	Preservation of the natural area protects beaches and natural shoreline area	Land is contiguous to an existing public park, forest, dedicated wildlife preserve, dedicated nature reservation or sanctuary, interpretive center, or visitor's center	Land if preserved in its natural state provides an intervening space for a regulated wetland with an open water component, and provides plant and wildlife habitat
Land if preserved in its natural state or current use prevents the spread of urban density development into designated rural areas	Land is preserved in its current use provides a view of open space timber or agricultural fields and seasonal farm activities	Land if characterized with a high water table and Aquifer Recharge Area Category I soils pursuant to Chapter 17.35 LCC	The site provides unique opportunities to observe, study and preserve specific natural or manmade wetland management area	Land provides intervening space between development and adjacent highly used recreation areas, such as a municipal or county park or golf course	A wildlife habitat management plan has been prepared by a qualified critical area professional pursuant to Chapter 17.35 LCC
Land if preserved in its natural state or current use protects identified or delineated critical areas as defined in Chapter 17.35 LCC	Land provides unrestricted view of river, lake, hydropower reservoir, or classified and designated wetland area	Land provides unique opportunities to study and conserve natural areas for floodplain management	Preservation of the current use contributes to identifiable conservation principles and wildlife habitat management	Land preserved provides low intensity public recreational opportunities for nonmotorized access, picnicking, and tent camping	Land is located in a big game animal migration corridor and provides essential wildlife habitat
	Land currently provides habitat for unique or critical wildlife or native plants		A college or public school has contracted to use the land for promotion of land conservation principles, and the curriculum has been approved by the contracted school	Reclassification of the land provides public access to an area suitable for providing an intervening space for adjacent wetland, riparian vegetation, wildlife habitat	
Other:	Other:	Other:	Other:	Other:	Other:
Limited public access is provided	Limited public access is provided	Limited public access is provided	Limited public access is provided	Public access is provided	Limited public access is provided
Column total:	Column total:	Column total:	Column total:	Column total:	Column total:
Scoring: One point for each benefit criteria met in a column. A minimum three points necessary to qualify for an open space category. Public access counts only once, and is applicable to no more than one category.					
ATTENTION: Applicant must provide a management plan identifying the measures that will be taken to ensure continuation of the current use of land.					

Table 2
Open Space Categories and Qualifying Criteria

Preserve historic sites	Retain as natural area, one acre or larger tract in urban areas, if limited or greater public access is allowed	Protect traditional farm and agricultural land and soils from irrevocable conversion to non-open space program uses, and maintain the land in a condition that allows immediate resumption of commercial farm and agricultural uses. Category 1 - less than five acres in size	Protect traditional or unique farm and agricultural land and soils from irrevocable conversion to non-open space program uses, and maintain the land in a condition that allows immediate resumption of commercial farm and agricultural uses. Category 2 - five acres or larger tracts
Land is listed on the state and/or national historic registry	Protection and preservation of the current land use provides passive recreational uses such as bird watching, nature trails, and observation areas of other natural wildlife habitat in urban areas	Farm and agricultural conservation land area less than five acres in size, but more than two years	There are no sanitary sewer services adjacent to the land, and the property is not within an adopted sewer service area plan
Land is part of an on-going archaeological re-search area	Use of the land is open to public; with no exclusions on the basis of membership	Land is designated in the Lewis County comprehensive plan as agriculture, rural residential (RR)-1, RR-2, or forestry open space, or is zoned AG, AG-38, RR-1, RR-2, or forestry recreational.	Land and soils are mapped and de-fined by the USDA Natural Resources Conservation Service as Class 1,2,3,4 and/or 5; and the land is located outside the boundaries of any urban area identified in the Lewis County comprehensive plan, or outside any urban growth management area approved by the board and city.
	Preservation of the land provides a unique opportunity for wetland management, floodplain management, and/or wildlife management in a urban setting	Land and soils are mapped and defined by the USDA Natural Resources Conservation Service as Class 1,2, or 3	Land has a documented history or commercial agricultural production, and has potential for returning to commercial agricultural production at any time
		The site has been classified as commercial farm and agriculture land as defined in RCW 84.34.020(2) for five or more years	The site contains more than five acres capable for return to commercial agricultural production
	Land currently provides habitat for unique or critical wildlife or native plants		A college or public school has contracted to use the land for promotion of land conservation principles, and the curriculum has been approved by the contracted school
Other:	Other:	Other:	Other:
Limited public access is allowed		No public access is allowed	No public access is allowed
Column total:	Column total:	Column total:	Column total:
Scoring: One point for each benefit criteria met in a column. A minimum three points necessary to qualify for an open space category. Public access counts only once, and is applicable to no more than one category.			
Applicant must provide a conservation/management plan identifying the measures that will be taken to ensure continuation of the current use of the land. Agricultural conservation plans must also provide for immediate resumption of commercial farm and agriculture use.			

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156A §6, 1997; Ord. 1156 § 6, 1996]

17.140.180 Assessed benefit rating and valuation schedule.

A landowner's assessed valuation for land reclassification as open space shall be reduced according to the schedule listed in Table 3:

Table 3

Public Benefit Rating	Assessed Value Reduction Benefit
1 - 2 points	Ineligible for open space classification
3 points	30 %
4 points	40 %
5 points	50 %
6 points	60 %
7 points	70 %
8 points	80 %

[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 7, 1996]

17.140.190 Removal from open space classification.

Any land not managed in conformance with the conditions of approval, and with the approved conservation plan and contract, shall be removed from classification as open space for current use assessment by the assessor, and all additional taxes shall become due. In order to requalify for an open space classification the landowner shall be required to reapply pursuant to this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 8, 1996]

17.140.200 Fees and charges.

Fees and charges for processing an application under this chapter shall be as from time to time adopted by resolution of the board. Such fees shall be nonrefundable. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 9, 1996]

Chapter 17.145

SUPPLEMENTAL REQUIREMENTS

Sections:

- 17.145.010 Purpose
- 17.145.020 Required setbacks.
- 17.145.030 Height limit
- 17.145.040 Off-street parking and loading requirements.
- 17.145.050 Noise.
- 17.145.060 Driveways.
- 17.145.070 Height limitations.
- 17.145.080 Development standards.
- 17.145.090 Junk.
- 17.145.100 Public utilities.
- 17.145.110 Churches, clubs, and quasi-public buildings.
- 17.145.120 Home occupations permitted.
- 17.145.130 Supplemental standards.
- 17.145.140 Miscellaneous regulations.

17.145.010 Purpose.

The purpose of this chapter shall be to provide specific regulations, providing for the location of certain special and accessory uses in all use districts and providing supplementary controls for the protection of essential uses of said districts. [Ord. 1170B, 2000]

17.145.020 Required setbacks.

Unless otherwise designated in this title or Chapter 15.15 LCC, the minimum required setbacks shall be as follows:

(1) Minimum setbacks

(a) Residential:

(i) Front-25 feet from right-of-way;

(ii) Side-10 feet from property line;

(iii) Rear-25 feet from property line, for structures in excess of 100 square feet;

(b) Commercial:

- (i) Front-10 feet from right-of-way;
 - (ii) Side-10 feet from property line;
 - (iii) Rear-0 feet, except 25 feet from property line when abutting a residential zone;
- (c) Industrial:
- (i) Front-10 feet from right-of-way;
 - (ii) Side-10 feet from property line;
 - (iii) Rear-0 feet, except 50 feet when abutting a residential zone. [Ord. 1170B, 2000]

17.145.030 Height limit

Unless otherwise designated in this title, the maximum height limit shall be as follows:

- (1) Residential, 35 feet
- (2) Commercial, 50 feet, except 35 feet when abutting (or within 50 feet of) a residential zone
- (3) Industrial, 50 feet plus one foot for every foot from property lines.
- (4) Agriculture, resource, communication, and public utility uses, none. [Ord. 1170B, 2000]

17.145.040 Off-street parking and loading requirements.

(1) This section is only applies to Chapters 17.45, 17.55, and 17.60.

(2) General requirements

(a) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.

(b) The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements there shall be provided as many of such spaces as may be

required by this chapter.

(c) Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change; provided whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, said building structure shall then and thereafter comply with the full parking requirements set forth herein.

(3) Parking space dimensions. A parking space shall have minimum rectangular dimensions of not less than 10 feet in width and 20 feet in length; provided, however, that for any parking area of 12 or more spaces, 35 percent of all parking spaces may have minimum rectangular dimensions of not less than eight feet in width and 15 feet in length; provided that these spaces are marked for use by compact automobiles. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in LCC 17.145.040(9) and Table 17.145A.

(4) Loading space requirements and dimensions. A loading space shall have minimum dimensions of not less than 14 feet in width, 60 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height or clearance of not less than 15 feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a gross floor area of at least 5,000 square feet in the case of manufacturing, warehouse, or terminal buildings, and 10,000 square feet

for commercial, hotel, institutional, and public buildings. One loading space shall be provided for each additional 10,000 square feet for retail and restaurant buildings; and one for each additional 30,000 square feet for manufacturing, warehouse, and service uses. The Administrator may adjust dimensions to fit specific needs, consistent with the need for traffic circulation and safety (ASHTO guidelines).

(5) Drainage. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways, and shall provide water quality benefits to comply with the minimum requirements of Chapter 15.45 LCC. Off-site drainage improvements and maintenance easements shall be secured to comply with Chapter 15.45 LCC to prevent damage to downstream property.

(6) Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

(7) Lighting. Any parking area which is intended to be used primarily during nondaylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property and the public road.

(8) Access. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be travelling in a forward motion. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. This requirement shall apply to parking areas of two or less required spaces only when exits are on state

highways and major county arterials and collectors. No building permit shall be issued until an access plan is approved by the county engineer.

(9) Parking space requirements. For the purpose of this ordinance, the following parking space requirements shall apply.

(a) Administration buildings (public or private): 1 for each 200 square feet of floor area.

(b) Apartments: 3 for each 2 units.

(c) Apartment hotels: 3 for each 2 units.

(d) Art galleries: 1 for each 300 square feet of floor area.

(e) Auditoriums: 1 for each 4 seats.

(f) Automobile service stations (which also provide repair): 1 for each gasoline pump and 2 for each service bay.

(g) Banks: 1 for each 200 square feet of floor area.

(h) Boarding houses: 1 for each bed.

(i) Bowling alley: 4 for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.

(j) Business and commercial (general): 1 for each 300 square feet of floor area.

(k) Business schools: 1 for each 2 classroom seats.

(l) Cartage, express, and parcel delivery: 1 for every employee (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises.

(m) Child care centers: 2 for each classroom but not less than 6 for the building.

(n) Children's homes: 1 for each 3 beds.

(o) Churches: 1 for each 4 seats.

(p) Colleges: 1 for each 3 students.

(q) Dance floors: 1 for each 100 square feet of floor area used for the activity.

(r) Dental clinics: 1 for every 200

square feet of floor area of examination.

(s) Dining rooms: 1 for each 100 square feet of floor area.

(t) Dormitories: 1 for each bed.

(u) Duplex: 2 for each unit.

(v) Elementary school: 1 for each teacher and 1 for every 8 seats in auditoriums or assembly halls.

(w) Financial institutions: 1 for each 200 square feet of floor area.

(x) Fraternities: 1 for each bed.

(y) Freight terminals: 1 for every employee (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises.

(z) Funeral parlors: 1 for each 100 square feet of floor area in slumber rooms, parlors, or service rooms.

(aa) High school: In accordance with SPI guidelines and a traffic report on the specific size and location of the school to assure that parking is adequately contained on site for daily and regular use.

(bb) Homes for the aged: 1 for each 3 beds.

(cc) Hospitals: 1 ½ for each bed.

(dd) Hotels: 1 per each sleeping room plus 1 space for each 2 employees.

(ee) Junior high schools: 1 for each teacher and 1 for every 8 seats in auditoriums or assembly halls.

(ff) Kindergartens: 2 for each classroom but not less than 6 for the building.

(gg) Libraries: 1 for each 300 square feet of floor area.

(hh) Manufacturing uses: 1 for every employee (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises.

(ii) Medical clinic: 1 for every 200 square feet of floor area of examination, treating room, office, and waiting room.

(jj) Mobile homes: 2 for each unit.

(kk) Mortuaries: 1 for each 100 feet of floor area in slumber rooms, parlors,

or service rooms.

(ll) Motels: 1 per each sleeping room plus 1 space for each 2 employees.

(mm) Multifamily dwelling: 3 for each 2 units.

(nn) Museums: 1 for each 300 square feet of floor area.

(oo) Night clubs: 1 for each 100 square feet of floor area.

(pp) Nursing homes: 1 for each 3 beds.

(qq) Nursery schools: 2 for each classroom but not less than 6 for the building.

(rr) Offices: 1 for each 200 square feet of floor area.

(ss) Parks, golf courses, cemeteries, and other uses consisting primarily of open space: 1 for each acre of land; provided that this requirement may be increased or decreased by the Administrator or hearing examiner, as appropriate, based on anticipated intensity of use of the property.

(tt) Retail stores: 1 for each 250 square feet of floor area.

(uu) Restaurants: 1 for each 100 square feet of floor area.

(vv) Rooming houses: 1 for each bed.

(ww) Sanitariums: 1 for each beds.

(xx) Service building: 1 for each 200 square feet of floor area.

(yy) Single-family dwelling: 2 for each unit.

(zz) Skating rinks: 1 for each 100 square feet of floor area used for the activity.

(aaa) Sports arenas: 1 for each 4 seats.

(bbb) Storage uses: 1 for every employee (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business.

(ccc) Swimming pools (outdoor-public, community or club): 1 for each 5 persons capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for

seating purposes, whichever is greater.

(ddd) Taverns: 1 for each 100 square feet of floor area.

(eee) Technical schools: 1 for each 2 classroom seats.

(fff) Theaters: 1 for each 4 seats.

(ggg) Trade schools: 1 for each 2 classroom seats.

(hhh) Universities: 1 for each 3 students.

(iii) Wholesale uses: 1 for every employee (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business.

(10) Accessible parking. Parking shall be installed in accordance with federal and state regulations for ADA accessibility.

(11) General interpretations. In the interpretation of this section, the following rule shall govern:

(a) Parking spaces for other permitted or special uses not listed in this section shall be determined by the hearing examiner where a land use permit is required and by the Administrator for other permitted uses.

(b) Fractional numbers shall be increased to the next whole number.

(c) Where there is an adequate public transit system or where for any other reason parking requirements are unusually low, the parking space provisions cited above may be reduced proportionately by the Administrator.

(d) In portions of a lot devoted exclusively to the smaller spaces marked for use by small cars, aisle width may be reduced to 20 feet for 90 degree parking; to 15 feet for 60 degree parking; and to 12 feet for 45 degree parking.

(12) In all use districts, space for the

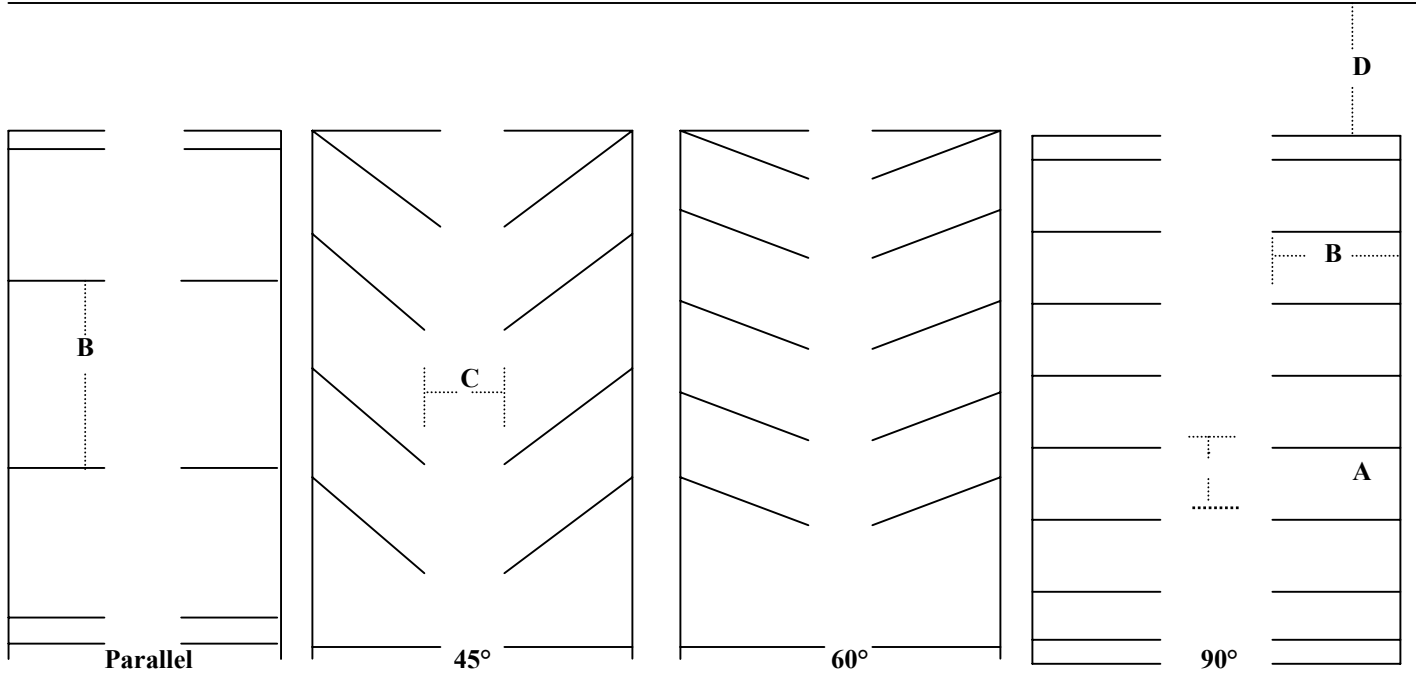
off-street storage and parking and loading and unloading of motor vehicles shall be reserved and improved for use when any building or structure is erected, or when any building or structure is enlarged or expanded in height or ground coverage so as to increase the number of required parking spaces by 10 percent over the number required prior to the enlargement or expansion. Any on-street parking space immediately adjacent to a use may be counted toward fulfilling that use's parking requirements.

(13) Layout plan. Prior to the issuance of a building permit for any building or use requiring more than one parking space, a plan showing proposed and existing buildings and the layout, dimension, and number of parking spaces shall be submitted to and approved by the Administrator.

(14) Mixed uses. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required facilities to any other use except as herein specified for a joint use.

(15) Parking, restrictions—recreational vehicles and boats. No recreational vehicle, boat, boat trailer, or similar equipment shall be parked within the required street setback or side setback of any lot in any residential zone. [Ord. 1170B, 2000]

TABLE 17.145A
Off-Street Parking Diagram



Off-Street Parking Dimensional Table

	45 Degrees	60 Degrees	90 Degrees	Parallel
A = width of parking space	10'	10'	10'	10'
B = length of parking space	20''	20'	20'	25'
C = width of driveway isle	13'	18'	25'	12'
D = width of access driveway (one-way)	14'	14'	14'	14'
= width of 2-way access driveway	24'	24'	24'	24'

17.145.050 Noise.

No development shall exceed the maximum environmental noise level established by Chapter 173-60 WAC, together with any modifications permitted under the guidelines. More rigorous standards may be specified in regulations of specific zoning districts. The use of exhaust brakes in residential areas may be restricted as authorized under the provisions of RCW 36.75.270 and 46.44.080. Exceptions may be provided as consistent with Chapter 173-60 WAC. [Ord. 1170B, 2000]

17.145.060 Driveways.

A permit shall be obtained from the county engineer or the State Department of Transportation, as appropriate, prior to the construction of any driveways on a public right of way. The location of driveways adjacent to a property line functioning as one point of ingress and egress to both properties shall be encouraged and shall be considered as one driveway. The location of driveways shall be in accordance with standards adopted by the county or, if appropriate, by the State Department of Transportation. These standards shall regulate location, width, and alignment as they relate to safety and traffic congestion. [Ord. 1170B, 2000]

17.145.070 Height limitations.

(1) This section only applies to Chapters 17.80, 17.85, and 17.90.

(2) All structures shall be limited in height consistent with Federal Aviation Regulations (FAR) Part 77 for airport operations or the height limitations of the district, whichever is less. Nothing in this ordinance shall restrict the height of a structure to 15 ½ feet or less. [Ord. 1170B, 2000]

17.145.080 Development standards.

All permits issued under this title shall conform to the following standards:

(1) Road construction standards as set forth in Resolution 97-441, as it may hereafter be amended;

(2) Health standards for wells and drain fields as set forth in Chapters 8.40 and 8.41 LCC;

(3) Storm water standards as set forth in Chapter 15.45 LCC; and

(4) Flood hazard standards as set forth in Chapter 15.35 LCC, provided, however, Lewis County is in the process of updating the flood hazard maps in concert with the U.S. Army Corps of Engineers. Where the U.S. Army Corps has identified a flood way or a flood plain on an official report on file with the Administrator of Chapter 15.35 LCC, said designated flood way or flood plain map shall supercede the FEMA/FIRM flood hazard maps.

(5) The development standards as identified in 17.10.071 LCC and this title. [Ord. 1170B, 2000]

17.145.090 Junk.

In no use district shall there be a collection of junk, scrap, and abandoned equipment, except where specific provisions are made concerning such items in a specific use district. Junk yards, salvage yards, and recycling operations shall comply with all applicable state and local siting and permitting regulations; provided, however, this provision is not applicable to Rural Development District, Chapter 17.100 LCC, and Resource Lands, Chapter 17.030 LCC. [Ord. 1170B, 2000]

17.145.100 Public utilities.

Public utility buildings, telephone exchanges, sewage pump stations, electrical distribution substations, and similar developments necessary for the operation of utilities shall comply with the following requirements:

(1) If the installation is housed in a building, the building shall conform architecturally with the surrounding

buildings or the type of buildings that are likely to develop in the districts.

(2) Any unhoused installations on the ground, or housed installation that does not conform to the architectural requirements of subsection (1) above, shall be surrounded by sight-obscuring planting.

(3) Any unhoused installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed by a wire fence at least eight feet in height.

(4) All buildings, installations, and fences shall observe the yard requirements for buildings in the district in which they are located. [Ord. 1170B, 2000]

17.145.110 Churches, clubs, and quasi-public buildings.

Churches, institutions, clubs, and similar quasi-public use buildings in residential use districts shall cover not more than 35 percent of their lots; off-street parking shall be required and meet the standards of this ordinance. [Ord. 1170B, 2000]

17.145.120 Home occupations permitted.

All permitted home occupations shall comply with the following criteria:

(1) The home occupation shall be clearly incidental to the residential use of the dwelling.

(2) The operation is entirely within the confines of an existing building and does not employ more than two individuals other than those of the immediately family; except day care, which may provide recreational facilities in the yard.

(3) There is no external or internal alteration affecting the residential character of the building, and no display of products shall be visible from the street.

(4) One unlighted sign no larger than four square feet shall be allowed. [Ord. 1170B, 2000]

17.145.130 Supplemental standards.

(1) Area. In any residential use district, the minimum lot size shall be consistent with the requirements of the Uniform Building Code as adopted by Lewis County and Lewis County Health regulations and with the maximum residential density permitted within each use district.

(2) Accessory buildings.

(a) Accessory buildings and structures shall comply with applicable side setback requirements.

(b) Accessory buildings and structures shall comply with applicable back setback requirements.

(c) On corner lots, accessory buildings in the side setback adjoining a street shall not be erected or altered so as to be nearer to the adjoining street line than 15 feet.

(3) Calculation of building height. The determination of the height of a building shall be the highest point of the structure when measured from the average point of elevation of the finished surface of the ground within five feet of the structure, provided narrow projections such as a chimney, spires, domes, elevator shaft housing, aerials, antennas, and flagpoles shall not be considered. [Ord. 1170B, 2000]

17.145.190 Miscellaneous regulations.

(1) Visibility at intersections in residential zones. Fences, walls, or hedges may be installed except in the following instances in which they may only be four feet or of a substance which does not interfere with traffic visibility:

(a) Within a 25 foot vision clearance triangle formed by the intersection of two street rights of way.

(b) Within a 10 foot vision clearance triangle formed by the intersection of an alley and street right of way.

(2) Habitation in recreational vehicles. No recreational vehicle shall be used in place of habitation, except as provided for

under Chapters 15.25 & 15.30 LCC, and local board of health regulations. [Ord. 1170B, 2000]

Chapter 17.150

SPECIAL CONDITIONS—RURAL AREA DEVELOPMENT

Sections:

- 17.150.010 Purpose.
- 17.150.020 Special conditions.
- 17.150.030 Urban growth prohibited.

17.150.010 Purpose.

The purpose of this chapter is to assure the protection of rural character and the prevention of rural area sprawl or the creation of the need for urban services in rural areas. [Ord. 1170B, 2000]

17.150.020 Special conditions.

(1) Rural areas of more intense development. Any permit issued in a rural area of more intense development shall be subject to the following conditions:

(a) The use requested is consistent with the uses authorized in RCW 36.70A.070(5)(d)(i-iii).

(b) Public facilities and public services may be sized to serve the uses approved in (a) above, but shall not be sized to serve anticipated new development outside the designated area of more intense development. (This limitation does not apply to regional school and fire districts which serve a wider area, or existing water companies within existing service areas.)

(c) No new water facility, waste water facility, or storm water facility shall be sized to serve or extended to serve beyond the boundaries of the area of more intense development.

(d) New public facilities and public services shall be limited to that necessary to serve the special use or master plan area and shall not be made available to uses outside the approved area.

(e) No boundary change shall be made without an amendment of the comprehensive plan consistent with the

requirements of RCW 36.70A.070(5)(d)(i-v).

(2) All rural area uses. General guidelines and constraints on rural area growth.

(a) A principal component of the Lewis County comprehensive plan is that significant portions of the Rural Development District will be limited in development potential due to critical areas, such as steep slopes, flood hazard areas, wetlands, tight soils, severely limiting septic approval, and very low population demand, as evidenced by Table 4.3 of the comprehensive plan (Dispersal of Rural Population Growth).

(b) To assure protection of rural character, the county shall map, monitor, and maintain records of population growth and new residential development in each of the specified districts.

(c) Where the development activity exceeds the projected annual growth rate in an identified subarea by 20% for three years, or where the total units within the district exceeds 80% of the specified units, the county shall conduct a rural area review of the subarea in question to determine if additional controls are required to limit development to rural development as defined in RCW 36.70A.030 as required by RCW 36.70A.070. The review shall be processed by the planning commission and county commissioners as a development regulation amendment, and the county shall consider the reason and nature of changing conditions and recommend changes necessary to respond to changing conditions and to preserve rural character and assure that urban growth or rural area sprawl will continue to be barred from the area.

(d) Until the county has completed its review of the district in question:

(i) No applications will be accepted for cluster development in Rural Development Districts or areas of more intense rural development in the area under

review.

(ii) No application will be accepted for a new business in excess of home occupancy or home based industry, or commercial uses in excess of 5,000 square feet in the areas under review, outside resource lands or designated small town or rural industrial sites.

(iii) No application will be accepted for a tourist service area or Rural Area Industrial use which requires a master plan under Chapter 17.120 LCC in the area under review. [Ord. 1170B, 2000]

17.150.030 Urban growth prohibited.

(1) Purpose: The purpose of this section is to identify and define the criteria for distinguishing between rural development in rural areas and urban growth which is prohibited.

(2) Special conditions:

(a) In all rural area developments, including areas of more intense rural development authorized in RCW 36.70A.070(5) and all other areas outside UGAs, urban growth is prohibited. To accomplish this objective, the review authority (either the Administrator or hearing examiner, depending on the permit) shall find, as a condition of approval of any development outside urban growth areas:

(i) The project makes adequate provision to assure that the development is limited to rural development and rural governmental services.

(ii) That the project does not, directly or in concert with growth likely in the area affected, create a demand for urban governmental services or create "urban growth" prohibited outside urban growth areas.

(3) Special considerations:

(a) Rural development refers to development outside the urban growth area and outside designated long-term agricultural forest and mineral resource lands. Rural development can consist of a

variety of residential uses and densities, including clustered residential development, at levels which are consistent with the preservation of rural character, and the requirements of the rural element. Rural development does not refer to agricultural or forest activities that may be conducted in rural areas.

(b) Rural development in Lewis County typically relies on existing facilities for school and fire, though existing facilities may be upgraded or expanded; and commonly uses existing small towns and cross road commercial facilities to meet local commercial needs.

(c) Outside areas of more intense rural development, rural residential development must be measured looking at the entire parcel and as a whole does not have total impervious surface greater than 10% of the overall property, and does not exceed 20% on any given parcel. Within small towns and crossroads commercial areas, the impervious surface criteria shall be that generally found in the specific LAMIRD for similar uses.

(d) Rural residential development does not adversely affect the overall productivity of resource industries located on designated long-term resource lands within a one mile radius of the development in question.

(e) Rural governmental services or rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and not normally associated with urban areas. In rural infill areas, including small towns and industrial areas, public services and facilities may be that required to serve the proposed need, but limited as provided by RCW 36.70A.070(5)(a)(i-iv).

(f) In assessing the nature of rural development, the review authority (either the Administrator or hearing examiner, depending on the permit) shall use the facilities and services available in the three small towns or cross road commercial areas closest to the development pre-existing at the time of development, to determine “typical” services available in that rural area.

(g) Cluster developments are considered appropriate for rural development if the overall density of the land in the development and surrounding section does not exceed one unit per five acres gross density, the development can be accommodated with fire, school, and other rural public facilities without the need to relocate or create a new facility to serve the newly developing area, and can be served by commercial facilities within existing cross road commercial and small towns and does not create a new commercial center for the community. Upgrade of existing public facilities and services which does not require relocation is consistent with rural area development.

(h) Urban growth refers to that growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food or other agricultural products or fiber or the extraction of mineral resources, rural uses, rural development, and natural resource land designated pursuant to RCW 36.70A.170. A pattern of more intense rural development as defined in RCW 36.70A.070(5)(d) is not urban growth.

(i) Urban governmental services include those services and public facilities at an intensity historically found and typically provided in the incorporated cities of Lewis County, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection

services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(j) In Lewis County, the per capita capacity of city-owned facilities and services in Centralia, Chehalis, and Morton provide a guideline of urban levels of intensity. Services in Toledo, Winlock, Napavine, Mossyrock, and Pe Ell are more commonly at lower levels of service which range from levels comparable to the larger cities to levels commonly found in the large designated small towns. Such services may be considered, but are not determinative on the issue of urban governmental services.

(k) Indicia of urban growth include, but are not limited to, the following outside areas of more intense rural development: the extension of publically owned sewer or water facilities by an incorporated municipality in Lewis County outside an urban growth boundary; overall residential densities of four units per acre or the development of more than 20% impervious surface of the total property developed; the development of a storm water control system operated by a municipal corporation outside an identified urban growth boundary; the creation of a need, either directly with the project or in concert with other development pending or likely to occur within 10 years for a new school site, fire station site, or commercial area to serve the development in the area.

(l) Indicia of urban growth in areas of more intense development would be the creation of a need for a publically-owned wastewater treatment facility. Public facilities, services, and utilities of a size and scale commonly found in the small towns designated in the comprehensive plan, or needed under modern codes to serve businesses or industries commonly found in the small towns or existing rural industrial sites designated in the comprehensive plan, are not considered urban. [Ord. 1170B, 2000]

Chapter 17.155

NONCONFORMING USES AND PARCELS

Sections:

- 17.155.010 Continuation.
- 17.155.020 Expansion of nonconforming use.
- 17.155.030 Zone district change – continuation.
- 17.155.040 Change to another nonconforming use.
- 17.155.050 Damage or destruction – rebuilding permitted.

17.155.010 Continuation.

Except as otherwise provided in this chapter, the lawful use of any building or structure (whether or not covered by UBC or L&I), building, land, or premises, existing on the effective date of adoption or amendment of this ordinance, may be continued although such use does not conform to the provisions hereof. If such nonconforming use is discontinued for a period of 36 months or more, any future use of said building, land, or premises shall be consistent with the provisions of Title 17. [Ord. 1170B, 2000]

17.155.020 Expansion of nonconforming use.

Nonconforming uses may be extended throughout any building or structure (whether or not covered by UBC or L&I) partially occupied by such use at the time of passage of this ordinance. The expansion of a nonconforming use by addition or enlargement shall be conditionally permitted, as provided in LCC 17.160.020-.030. The expansion must be on the lot of record as it existed at the time the use became nonconforming and the use shall not expand on adjacent lots. The expansion shall be approved if it is consistent with the applicable zoning regulations except the use

restrictions and complies with Chapter 17.160 LCC. [Ord. 1170B, 2000]

17.155.030 Zone district change – continuation.

When a zone district is changed, existing nonconforming uses may be continued consistent with the provisions of this title. [Ord. 1170B, 2000]

17.155.040 Change to another nonconforming use.

The change of a nonconforming use to another type of a nonconforming use shall be conditionally permitted, as provided in LCC 17.160.020-.030. The change of nonconforming use shall be approved if it is consistent with the applicable zoning regulations, except the use restrictions, and complies with LCC 17.160.030(2) to (6), providing such change does not require the provision of water and sewer utility services at a level greater than that currently available to the subject property, and that the new nonconforming use does not result in greater impacts upon surrounding properties than did the original nonconforming use. [Ord. 1170B, 2000]

17.155.050 Damage or destruction – rebuilding permitted.

If a nonconforming use or physical feature of a building or structure or group of buildings or structures on one site is damaged or destroyed by any means, that use shall be permitted to be rebuilt equal to the square footage of damaged or destroyed building(s), and for the same use and location on the site. Any such rebuilding shall meet current building codes in Title 15 LCC in effect at the time of the application for reconstruction. Rebuilding shall be timely if application for development is filed within 36 months of such damage. [Ord. 1170B, 2000]

17.155.060 Lots of record.

Lots of record shall be as defined in LCC 16.020.050. [Ord. 1170B, 2000]

Chapter 17.160

**PROCEDURES FOR VARIANCES,
ADMINISTRATIVE APPROVALS,
SPECIAL USES, AND APPEALS**

Sections:

- 17.160.010 Variances.
- 17.160.020 Special use permits.
- 17.160.030 Special use criteria.
- 17.160.040 Revisions to special use permits.
- 17.160.050 Administrative approval uses.
- 17.160.060 Appeals.
- 17.160.070 Fees.
- 17.160.080 Date of expiration.

17.160.010 Variances.

(1) The hearing examiner shall have authority to grant a variance from the provisions of this title when, in the opinion of the hearing examiner, the conditions set forth in LCC 17.160.010(2) herein have been found to exist. In such cases, a variance may be granted which is in harmony with the general purpose and intent of this title so that the spirit of this title shall be observed; provided that no variance shall be granted which authorizes a use which is not permitted by the underlying zoning.

(2) Before any variance may be granted, it shall be shown that the following circumstances are found to apply:

(a) That any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone.

(b) Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surrounding, the strict application of this title is found to cause a hardship and deprive the subject property of a reasonable use or improvement generally allowed in the zone classification. Aesthetic considerations or

design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section.

(c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.160.020 Special use permits.

Upon application, the hearing examiner may grant special use permits for such uses as set forth in this ordinance. Special use permits shall run with the land and be binding on all parties with an interest in the land to which the permit attaches. [Ord. 1170B, 2000]

17.160.030 Special use criteria.

Before approving an application for a special use permit, the hearing examiner shall ensure that any specific standards of the use district defining the special use are fulfilled, and shall find adequate evidence showing that the proposed special use at the proposed location:

(1) Will be harmonious and in accordance with the general and specific objectives of the Lewis County comprehensive plan and zoning regulations.

(2) Will be adequately served by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and waste disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(3) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

(4) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be

detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.

(5) Will have vehicular approaches to the property designed as to not create an interference with traffic on surrounding public streets.

(6) Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance. [Ord. 1170B, 2000]

17.160.040 Revisions to special use permits.

The hearing examiner may approve revisions to special use permits; provided that the proposed changes are within the scope and intent of the original permit. "Within the scope and intent of the original permit" shall mean the following:

(1) Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; provided that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further that any revisions authorized under this paragraph shall not exceed height, lot coverage, setback, or any other requirements of the regulations for the area in which the project is located.

(2) Landscaping may be added to a project without necessitating an application for a new permit; provided that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the regulations for the area in which the project is located.

(3) The use authorized pursuant to the original permit is not changed.

(4) No additional over-water construction will be involved for shoreline conditional use permits.

(5) No substantial increase in adverse environmental impacts will be caused by the project revision. [Ord. 1170B, 2000]

17.160.050 Administrative approval uses.

(1) Home occupation.

(a) No more than two persons, other than family residing on the premises, shall be engaged in such occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding four square feet in area, nonilluminated and mounted on the property; except day care facilities with 10 children or less may use yard areas for recreation.

(d) No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard.

(e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lots, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

(2) Temporary second dwelling.

(a) A temporary second dwelling unit of no more than 1,248 square feet in area, in the form of a manufactured home, a fully serviced travel trailer or motor home,

to provide:

(i) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders or disabilities, or risks of such disorders or disabilities, require daily supervision and care where such care is provided by members of the family who reside on the property; or

(ii) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs daily supervision and care as described in (a) above.

(b) Approval Requirements: Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

(i) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.

(ii) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (i) above.

(iii) The temporary home shall also be approved by the Lewis County Health Officer as a medical hardship placement.

(iv) When daily supervision and care is no longer necessary, this approval shall automatically lapse, without further notice, and the temporary home shall be immediately removed or converted to a conforming use.

(v) The permit shall be valid for one year. The permittee may apply for renewal on a yearly basis; provided that supporting documentation from a licensed medical doctor is furnished by the permittee affirming that the circumstances supporting the original permit remain in effect, and that the permit continues to satisfy standards

established by the Lewis County Health Officer for medical hardship placements.

(vi) A covenant shall be filed that restricts lease, sale or transfer of the property while the temporary dwelling is in place.

(vii) The use will not be hazardous or disturbing to existing or future neighboring uses.

(viii) Evidence of adequate off-street parking space shall be provided.

(ix) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(c) Penalties: False statements or false supporting documentation submitted with the application or failure to comply with any of the approval requirements shall be cause for revocation of the permit and may result in criminal prosecution.

(3) Process.

(a) The applicant shall submit an Administrative Approval Use Checklist/Approval Form to the community development department, together with appropriate documentation of compliance with approval requirements, a filing fee, names, addresses, and stamped, addressed envelopes for all property owners within 500 feet of the external boundaries of the subject property or the nearest resident property owner adjacent to the subject property but only within 1500 feet of the project site, and at least three copies of a site plan at an appropriate scale showing locations of property boundaries; locations and sizes of structures, access, and parking areas; locations and types of water and sewer services; and locations and types of structures on adjacent properties.

(b) Upon receipt of application materials per paragraph (1) above, the community development department shall send a notice of the proposal to all owners of property as identified in LCC

17.160.050(3)(a) at least 10 days prior to the decision date. The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists. Said notices shall be provided to the applicant by the community development department and shall remain in place for at least 10 days prior to the decision. An affidavit of posting that shall be signed and returned at least one week prior to the decision shall also be provided at the time of application. Property owners who have been thus notified of the proposal shall have a period of 10 days from the date printed on the mailed notice or 10 days from the posting of notice on the property, whichever is later, within which to submit to the community development department written request for a public hearing. Such request shall document valid grounds for holding a hearing, specifying how the proposal adversely impacts him or her. The community development department shall submit the application to the hearing examiner, who shall hold a public hearing and approve or deny the administrative approval use application. The hearing examiner shall base a decision upon compliance with the criteria established for the proposed use in the appropriate zone district, the requirement of this section, and of 17.160.030. The community development department shall approve or deny all administrative approval use applications that do not require a public hearing.

(c) If the permit is denied, the applicant shall be notified in writing. The grounds for denial and the applicant's right to appeal shall be set forth in this notification.

(d) Any party of record may appeal the decision. For purposes of administering this section, parties of record shall be defined as the applicant, the owner of the property, any person who has submitted a

written response to the proposal, and any person who has testified at a required hearing. Each application for appeal of an administrative approval shall be accompanied by a fee. [Ord. 1170B, 2000]

17.160.060 Appeals.

The hearing examiner shall have the authority to hear and decide, in conformity with this title, appeals from any order, requirements, permit decision, or decision made by an administrative official in the administration or enforcement of this title where more than one interpretation is possible; provided that such appeal shall be filed in writing within fourteen (14) days of the action being appealed. [Ord. 1170B, 2000]

17.160.070 Fees.

Fees for variances, special uses, administrative approval uses, and appeals shall be as set forth in the Lewis County Fee Schedule in Title 18 LCC. [Ord. 1170B, 2000]

17.160.080 Date of expiration.

The hearing examiner shall have the authority to fix a date of expiration for any or all approvals, conditions attached to special use permits, variances, or expansions of nonconforming uses. [Ord. 1170B, 2000]

Chapter 17.165

AMENDMENTS AND FEES

Sections:

- 17.165.010 Amendments.
- 17.165.020 Fees.
- 17.165.030 Refund of permit fees.
- 17.165.040 Comprehensive plan amendments

17.165.010 Amendments.

(1) Upon referral by the county commission or by its own initiation, the planning commission may recommend amendments to the provisions of LCC Title 17 as per state statute.

(2) Upon petition of 50 percent of the owners of the land of any area or district hereafter regulated under the provisions of this title, the planning commission shall consider any changes affecting such district or area and, after holding such public hearing or hearings as the size and character of the district is believed to warrant, shall report its findings to the county commission with its recommendations.

(3) Amendments affecting or changing zone district boundaries or regulations of land uses previously affected by the ordinance shall be accompanied by a detailed map showing any and all of such proposed changes. [Ord. 1170B, 2000]

17.165.020 Fees.

The Lewis County Schedule of Fees is established by local Resolution on file with the Board of County Commissioners and codified under Title 18 LCC. [Ord. 1170B, 2000]

17.165.030 Refund of permit fees.

(1) The application may be withdrawn within 30 days of submittal by the owner or agent of the owner. A request for a refund shall be in writing.

(2) A full refund may be granted where

no work shall have commenced on the project for which such application has been made.

(3) A partial refund may be granted where work has commenced on the project, based on work actually done.

(4) At the election of the Administrator or his/her designee, a site inspection may be conducted prior to any refund to verify item (2) and to assure that such withdrawal is in the public interest. Such inspections shall be reported back in writing to the Administrator or his/her designee.

(5) No refunds shall be made for projects/applications which are requested withdrawn when the refund would draw on county funds in a budget year other than the one in which the application and fees were collected.

(6) Withdrawal of an application shall constitute full surrender of any express or implied rights inherent in an application which has been perfected and accepted by the community development department or its designees. [Ord. 1170B, 2000]

17.165.040 Comprehensive plan amendments.

(1) Purpose. The purpose of this section is to promote coordinated review of comprehensive plan amendments and assure that both individual and cumulative affects of proposed changes may be evaluated.

(2) Schedule.

(a) The county shall publish a notice of the schedule in September of each years to permit people to plan and organize proposed amendments.

(b) The county shall accept recommendations for change through the last business day of December of each year. Applicants shall identify the specific change requested and identify the property or properties affected by the change; and if the change is parcel-specific, the owners of the property affected and the owners of property within 500 feet of the proposed

change will be notified.

(c) The county staff will present the requested changes to the Planning Commission at its first meeting in February and the Planning Commission will identify the proposals consistent with county policies and appropriate for consideration for change.

(d) The Planning Commission will recommend specific comprehensive plan changes to be scheduled for public hearing at its first meeting in March, will hold public hearings in April, and will make recommendations to the Board of County Commissioners by the Board of County Commissioner's first meeting in May. The timing of the process are targets and will be followed consistent with the needs of notice and public participation.

(e) The Board of County Commissioners may take such steps as it deems appropriate, but if changes are to be made, the target for action is July of each year to permit changes to be incorporated into county capital facility plans and budgets.

(f) The Board of County Commissioners may adjust this schedule by resolution where GMA proceedings adversely affect the County's ability to adhere to this schedule. [Ord. 1179, 2002; Ord. 1175 § 2, 2000]

Chapter 17.200

MAPS

Sections:

- 17.200.010 Purpose.
- 17.200.020 List of adopted maps.

17.200.010 Purpose.

The purpose of this chapter is to identify the maps which are incorporated into the Lewis County development regulations. Where a conflict exists between the map and the text, the text shall prevail. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.200.020 List of adopted maps.

SUBGROUP I - PURPOSE AND GUIDELINES

- (1) Official Lewis County Zoning Map (1a, 1b & 1c)
- (2) CP Table 4.3, Distribution of Rural Area Population

SUBGROUP II - URBAN ZONES

- (3) Urban Growth Areas-City-Centralia
- (4) Urban Growth Areas-City-Chehalis
- (5) Urban Growth Areas-City-Morton
- (6) Urban Growth Areas-City-Mossyrock
- (7) Urban Growth Areas-City-Napavine
- (8) Urban Growth Areas-City-Pe Ell
- (9) Urban Growth Areas-City-Toledo
- (10) Urban Growth Areas-City-Vader
- (11) Urban Growth Areas-City-Winlock
- (12) Industrial Land Bank-I-5 and S.R. 12
- (13) Industrial Urban Area, Reserve & Land Bank-Centralia Steam Plant
- (14) Proposed Urban Area-Birchfield Fully Contained Community
- (15) Major Industrial Development – Float Glass Manufacturing Facilities

SUBGROUP III- RESOURCE LANDS AND CRITICAL AREAS

- (16) Forest Resource Lands
 - (a) West
 - (b) Central
 - (c) East
- (17) reserved
- (18) reserved
- (19) Agricultural Resource Lands–Central
 - (a) West
 - (b) Central
 - (c) East
- (20) reserved
- (21) reserved
- (22) Mineral Resource Lands–Andrew Noel Construction
- (23) Mineral Resource Lands–Cowlitz Stud/Hampton Lumber
- (24) Mineral Resource Lands–Donna Settlemier (1)
- (25) Mineral Resource Lands–Donna Settlemier (2)
- (26) Mineral Resource Lands–Dulin Construction
- (27) Mineral Resource Lands–Ed Moerke
- (28) Mineral Resource Lands–Harold Sorensen Trucking, Inc.
- (29) Mineral Resource Lands–Hartstrom Bros. Construction
- (30) Mineral Resource Lands–Johnson Quality Rock
- (31) Mineral Resource Lands–Kathy L. Oberg
- (32) Mineral Resource Lands–Lewis Co. Public Works (1)
- (33) Mineral Resource Lands–Lewis Co. Public Works (2)
- (34) Mineral Resource Lands–Lewis Co. Public Works (3)
- (35) Mineral Resource Lands–Lewis Co. Public Works (4)
- (36) Mineral Resource Lands–Lewis Co. Public Works (5)
- (37) Mineral Resource Lands–Lewis Co. Public Works (6)
- (38) Mineral Resource Lands–Lewis Co. Public Works (7)
- (39) Mineral Resource Lands–Lewis Co.

- (40) Public Works (8)
Mineral Resource Lands–Lewis Co. Public Works (9)
- (41) Mineral Resource Lands–Mary Ann Parypa
- (42) Mineral Resource Lands–Max West, Inc.
- (43) Mineral Resource Lands–Pacifcorp/Centralia Mining
- (44) Mineral Resource Lands–Pacific Sand and Gravel (1)
- (45) Mineral Resource Lands–Pacific Sand and Gravel (2)
- (46) Mineral Resource Lands–R & R Crushing & Construction
- (47) Mineral Resource Lands–Robert J. Thompson
- (48) Mineral Resource Lands–Sterling Breen Crushing
- (49) Mineral Resource Lands–Toledo Sand and Gravel
- (50) Mineral Resource Lands–Wallace Bros. Inc. (1)
- (51) Mineral Resource Lands–Wallace Bros. Inc. (2)
- (52) Mineral Resource Lands–Weyerhaeuser Co. (1)
- (53) Mineral Resource Lands–Weyerhaeuser Co. (2)
- (54) Mineral Resource Lands–WSDOT
- (55) Critical Areas

**SUBGROUP IV-LIMITED AREAS OF
MORE INTENSE DEVELOPMENT**

- (56) Small Town–Adna
- (57) Small Town–Cispus Valley
- (58) Small Town–Doty
- (59a) Small Town–Glenoma
- (59b) Small Town–Kiona
- (60) Small Town–Mineral
- (61) Small Town–Onalaska
- (62) Small Town–Packwood
- (63a) Small Town–Randle A
- (63b) Small Town–Randle B
- (63c) Small Town–Randle C
- (64) Small Town–Salkum
- (65) Small Town–Silvercreek

- (66) Crossroads Commercial Area–Boistfort
- (67) Crossroads Commercial Area–Cinebar
- (68) Crossroads Commercial Area–Curtis
- (69) Crossroads Commercial Area–Dorns Corner
- (70) Crossroads Commercial Area–Ethel
- (71) Crossroads Commercial Area–Forest
- (72) Crossroads Commercial Area–Galvin
- (73) Crossroads Commercial Area–Leonard Road & SR 12
- (74) Crossroads Commercial Area–Marys Corner
- (75) Crossroads Commercial Area–SR6 & Hwy 603
- (76) Crossroads Commercial Area–Stinky Corner
- (77a) Freeway Commercial Area–Stinky Corner
- (77b) Freeway Commercial Area–I-5 and Jackson Hwy South
- (77c) Freeway Commercial Area–I-5 and SR 506
- (77d) Freeway Commercial Area–I-5 and SR 12
- (78) Rural Area Industrial–Larman Rd
- (79) Rural Area Industrial–Washington Truck Rebuilders
- (80) Rural Area Industrial–Curtis Rail
- (81) Rural Area Industrial–Ed Carlson Memorial Field
- (81a) Rural Area Industrial --Klein Bicycle
- (82) Packwood Airport Obstruction Zoning
- (83) Ed Carlson Memorial Field Airport Obstruction Zoning
- (84) Chehalis - Centralia Airport Obstruction Zoning
- (85) Imaginary Surfaces Drawings, prepared in conjunction with the Airport Master Plan (2000) for the Chehalis-Centralia Airport
- (86) Rural Area Industrial–Baer
- (87) Rural Area Industrial–Morton Log Yard

- (88) Rural Area Industrial–PSE Gas Storage [Ord. 1179I §§1-3, 2004; Ord. 1179H §2, 2004; Ord. 1179E §1, 2003; Ord. 1179, 2002; 1170B, 2000]
- (89) Rural Area Industrial–Ramsey Industrial Park
- (90) Rural Area Industrial–Taylor Drilling
- (91) Rural Area Industrial–TransAlta Site
- (92) Rural Area Industrial–Williams Industrial
- (93) Parks/Tourist Service Area – East End of Riffe Lake–108 Bridge Area
- (94) Parks/Tourist Service Area – East End of Riffe Lake
- (95) Parks/Tourist Service – West End of Riffe Lake
- (96) Rural Residential Center–Brockway Road Area
- (97) Rural Residential Center–Curtis Hill Area
- (98) Rural Residential Center–Harmony Area
- (99) Rural Residential Center–High Valley Park Area
- (100) Rural Residential Center–Mayfield Park Area
- (101) Shoreline Area–Lake Mayfield Estates Area
- (102) Rural Residential Center–Mayfield Village
- (103) Rural Residential Center–Mt. View Drive Addition Area
- (104) Rural Residential Center–Newaukum Hill
- (105) Rural Residential Center–Paradise Estates
- (106) Rural Residential Center–Timberline Village
- (107) Rural Residential Center–Valley Meadows
- (108a through 108n) Rural Development Districts
- (109) UGA Study Area-Onalaska
- (110) UGA Study Area-Packwood
- (111) Major Industrial Development – Float Glass Manufacturing Facilities